

the bill (H.R. 2496) to extend the authorization for the replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, to make certain improvements in the Veterans Access, Choice, and Accountability Act of 2014, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. PERLMUTTER. Reserving the right to object, I do not object, but I do want to thank my colleague from Colorado concerning what will be a short time to continue negotiations to finish our hospital in the Denver area.

As we come into this Memorial Day weekend, veterans in the Rocky Mountain West have waited 15 years for this hospital to be built. Substantial construction has taken place. Any further delay just delays delivering good services—great services—to our veterans.

We need to continue to move this along. The fact that we are moving beyond Memorial Day, keeping this project going forward, without mothballing it, is a step in the right direction; but, Mr. Speaker, I ask the majority and the Republican leadership to work with the VA to get this finished, so that we can provide the best medical care possible, similar to what Mrs. McMORRIS RODGERS was talking about at her hospital in Washington. We want that same thing in Denver, Colorado.

We need to finish this hospital as soon as possible.

I withdraw my reservation.

The SPEAKER pro tempore. The gentleman withdraws his reservation.

Is there objection to the original request of the gentleman from Colorado (Mr. COFFMAN)?

There was no objection.

The text of the bill is as follows:

H.R. 2496

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Construction Authorization and Choice Improvement Act”.

SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, in fiscal year 2015, in an amount not to exceed \$900,000,000.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Notwithstanding section 8104(c) of title 38, United States Code, or any other provision of law, funds may not be obligated or expended for the project described in subsection (a) in an amount that would cause the total amount obligated for that project to exceed the amount specified in the law for that project (or would add to total obligations exceeding such specified amount).

SEC. 3. CLARIFICATION OF DISTANCE REQUIREMENT FOR EXPANDED AVAILABILITY OF HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS THROUGH THE USE OF AGREEMENTS WITH NON-DEPARTMENT OF VETERANS AFFAIRS ENTITIES.

(a) IN GENERAL.—Section 101(b)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note) is amended—

(1) in subparagraph (B), by inserting “(as calculated based on distance traveled)” after “40 miles”; and

(2) in subparagraph (D)(ii), by striking subclause (II), and inserting the following new subclause (II):

“(II) faces an unusual or excessive burden in traveling to such a medical facility of the Department based on—

“(aa) geographical challenges;

“(bb) environmental factors, such as roads that are not accessible to the general public, traffic, or hazardous weather;

“(cc) a medical condition that impacts the ability to travel; or

“(dd) other factors, as determined by the Secretary.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to care or services provided on or after such date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. COFFMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

BENGHAZI ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the majority leader.

Mr. WESTMORELAND. Mr. Speaker, nearly 3 years, on September 11 and 12, 2012, the United States facilities in Benghazi, Libya, were the target of terrorist attacks. These attacks resulted in the deaths of four Americans: Sean Smith; Tyrone Woods; Glen Doherty; and the U.S. Ambassador to Libya, Chris Stevens, as well as two other Americans critically injured.

It comes at a time close to Memorial Day, when this country can honor these individuals that gave their life and their service not just for this country, but for the freedom and democracy around the world of others.

The gravity of the attacks raise serious questions regarding the U.S. presence in Benghazi, Libya, particularly as those questions related to the policies, decisions, and activities of the administration and relevant executive branch agencies before, during, and after the attacks.

For nearly 2 years, Congress sought answers to these questions. However,

the administration's valid response has exposed the limits encountered by our standing committees.

□ 1330

These responses revealed a less than competent or transparent accounting about the attacks. Consequently, the House created, with the support of our Democratic colleagues, the Select Committee on the Events Surrounding the 2012 Terrorist Attacks in Benghazi, Libya.

Everywhere I go, Mr. Speaker, I have people ask me: What is taking so long? What is taking so long for us to get the facts about what happened in Benghazi?

We are going to do our best today to explain to the American people and to the public and to you, Mr. Speaker, why it has taken so long, why it is requiring us to continue to subpoena and beg and plead for the information that we need to be able to deliver this report to this body and to the American people.

The Speaker appointed me and six of my Republican colleagues to this committee. The minority leader appointed five of our Democratic colleagues. We have been directed by the House to conduct a complete investigation across the spectrum of all, A-L-L, all relevant executive branch agencies and issue a definitive final report on the events surrounding the September 11-12, 2012, terrorist attacks in Benghazi, Libya.

Specifically, we are directed to investigate and report on: all policies, decisions, and activities that contributed to the attacks on United States facilities in Benghazi, Libya, on September 11 and 12, 2012, as well as those that affected the ability of the United States to prepare for those attacks; number two, all policies, decisions, and activities to respond to and repel the attacks on United States facilities in Benghazi, Libya, on September 11 and 12, 2012, including efforts to rescue United States personnel; number three, internal and public executive branch communications about the attacks on the United States facility in Benghazi, Libya, on September 11 and 12, 2012; number four, accountability for policies and decisions relating to the security of facilities in Benghazi, Libya, and the response to the attacks, including individuals and entities responsible for those policies and decisions; number five, executive branch authorities' efforts to identify and bring to justice the perpetrators of these attacks on the U.S. facilities in Benghazi, Libya, September 11 and 12, 2012; number six, executive branch activities and efforts to comply with congressional inquiries into the attacks on the United States facilities in Benghazi, Libya, on September 11 and 12, 2012; recommendations for improving executive branch cooperation and compliance with congressional oversight investigations; information related to lessons learned from the attacks and executive branch

activities and efforts to protect United States facilities and personnel abroad; and any other relevant issues relating to the attacks, the response to the attacks, or the investigation by the House of Representatives into the attacks.

I think that number nine is a particularly relevant point. It says “all other relevant issues.” That is one of the questions that we have been receiving: Are we stepping out of bounds on what this committee was supposed to do? The answer is absolutely not.

Using these instructions as a guide, the committee requested and reviewed a substantial volume of information that was previously produced to the House, and new information never before produced to Congress.

The committee has reviewed more than 20,000 pages of emails and documents produced by the State Department never before released to Congress. This new material includes emails that were sent to or received by the former Secretary of State relevant to Benghazi, as well as documents and emails that were part of the State Department's Accountability Review Board proceedings.

In addition, hundreds of pages of emails never before seen by Congress have been produced by the White House. The Department of Justice and the intelligence community have also produced documents never before seen by Congress.

Further, the committee has interviewed executive branch personnel, including survivors of the Benghazi terror attacks, none of whom have ever been interviewed by previous committees. The committee has also interviewed others who have been able to provide indispensable firsthand details of the U.S. presence in Benghazi, Libya.

We know that this is not a complete universe of information held by the executive branch. Our investigation has uncovered new witnesses, new documents, and new facts related to the Benghazi terror attacks.

Ironically, the largest impediment to getting this investigation done in a timely manner and being able to write a final, definitive accounting of what happened before, during, and after the terrorist attacks in Benghazi is the executive branch itself.

The committee has issued letters, subpoenas, has threatened to hold and has held public compliance hearings, with slow to little to no action at all.

Take the State Department, for example—the State Department is a necessary focus of this investigation; yet their compliance posture with the committee and Congress has proved unpredictable at best.

When this committee was formed 1 year ago, the State Department had yet to fully comply with two outstanding subpoenas issued in 2013 by another committee. One subpoena dealt specifically with documents pertaining to the State Department's Ac-

countability Review Board, known as the ARB.

The other subpoena dealt with documents that had previously undergone limited congressional review, where Members' access to the documents and information was restricted to certain dates and times set by the State Department. These subpoenas were still legally binding on the State Department when this committee was created; yet the Department had not fulfilled them.

In an effort to expedite the Department's fulfillment of these subpoenas, the select committee prioritized the Department's production of documents under these two subpoenas, as opposed to issuing new requests.

In addition, by directing the Department to identify documents under these existing subpoenas, the committee was better positioned to receive new documents in a more expeditious manner while, at the same time, judiciously reviewing the work of past committees.

These negotiations resulted in the State Department providing 15,000 pages of new documents to the committee in August and September of last year. This production also fulfilled the Department's obligation for one of the two subpoenas.

The review of these documents was enlightening, both in what it disclosed and what it did not. Here is what it did disclose. For the first time, the Department produced eight emails, eight to or from former Secretary Clinton.

Additionally, the committee became aware that former Secretary Clinton had used a private email account to conduct official State Department business. Importantly, the committee did not release the existence of the private email account because of its commitment to investigate all the facts in a fair and impartial manner.

Here is what it didn't disclose. From the review of the 15,000 pages, however, the committee recognized that there were significant omissions in the documents. Notably, there were very few emails between and among former Secretary Clinton's senior staff and the Secretary.

As a result, last November, the committee requested the State Department produce specific documents and emails related to Benghazi and Libya for the Secretary and 10 of her senior staff. In the 2 months following the committee's request, committee staff consistently relayed to the Department that its new top priority was all of Secretary Clinton's emails.

Almost 3 months later, on February 13, 2015, the Department produced approximately 300 emails to and from the former Secretary during her time as the head of the State Department. Remember, these are emails of which the State Department never possessed and didn't have to look for; yet it took that length of time.

They didn't produce a single document to the committee related to the

remaining portions of the November request. What was the State Department doing during the time the former Secretary was going through her emails?

After they produced these emails, the State Department asked what our priority was. We continued to inform them that the 10 senior officials identified in the November request were our priority, including Cheryl Mills, Jake Sullivan, Huma Abedin, and Susan Rice. The State Department told committee staff that this request was too broad and that it was unable to search for these documents.

On March 4, 2015, the committee issued a subpoena for the documents and emails first requested in November. This subpoena sought documents and emails for the 10 senior State Department officials, including those named previously.

Despite the committee indicating emails and documents from the subpoena were its top priority, the Department informed the committee that it would instead begin producing documents pursuant to the outstanding ARB subpoena. Remember, this subpoena was first issued in August of 2013 and reissued on January 28, 2015, since it expired at the end of the previous Congress.

I would also point out that the law requires that these records—and this is the records from the ARB—and, Mr. Speaker, it is very important that you understand this, that the law says that these “records shall be separated from all other records of the Department of State and shall be maintained under appropriate safeguards to preserve the confidentiality and classification of information.”

This means the records should have been sitting on a shelf somewhere, easily identifiable. Unfortunately, it took them 2 years to find where this ARB report was supposed to be segregated and put up. The committee continued to indicate that its priority was for the emails from the senior State Department personnel that were first requested in November.

The Department's response: it could not search for these documents. Instead, the Department ignored the committee's request; and, on April 15, 2015, nearly 2 years after Congress first issued a subpoena for the ARB's documents, the State Department finally produced more than 1,700 pages of documents related to the ARB.

Again, instead of responding to the committee's request, on April 23, 2015, the Department produced an additional 2,500 pages of documents related to the ARB. The Department has said that, with minor exceptions, it has now fulfilled the requirements of that subpoena.

Notwithstanding the ARB production, the committee continued to press the Department. Its top priority is the documents from the original November 2014 request and the March subpoena.

The State Department, however, has done little but talk about the breadth

of the subpoena and the inability to adequately search for documents.

The Department continues to state that it does not have the technical capabilities to do such a wide search without specific search terms; yet the Department never used any search terms to conduct in its search, nor has the Department ever suggested any search terms to the committee.

To help the committee better understand the Department's technical capabilities—or lack thereof—the committee has taken several different steps. We asked the State Department to bring its technology expert and its records officer to a meeting to discuss how records were kept, retrieved, and produced.

Specifically, we requested a meeting “with the relevant people from within the State Department who can explain in detail how the State Department maintains its records and how it has researched for documents pursuant to this committee's November request and further detail the limitations of the Department's ability to fully respond to the Chairman's document request. These people would likely include individuals from Legislative Affairs, Office of the Legal Adviser, Bureau of Information Resource Management, and possibly the records officer and any other individual who will be able to answer detailed questions on the topic. This meeting will help us further sequence and prioritize the information and issues in the committee's request, as you suggested we do in your letter of February 13 to Chairman Gowdy,” that the State Department sent us.

We also included a list of 13 questions to the Department to help guide the discussion. Samples of these questions include “the size of the universe of potentially relevant hard copy and/or electronic field for each person from the data range period, keyword or phrase searches the Department plans to use for production,” and “any limitations imposed on the type of data to be searched.”

These are some pretty straightforward questions.

□ 1345

When the State Department appeared for the meeting, they did not only bring those subject matter experts with them, the staff they did bring could not answer these basic questions. In fact, it was during this meeting for the first time that the committee learned that the State Department was not in possession of the former Secretary's emails. However, there was no mention of her use of a private server.

The committee again asked the Department to meet with these individuals. Again, the Department did not provide them. At an April 10 meeting between committee staff and the Department, the State Department brought in an individual. Yet when pressed by committee staff on these specific questions, the Department refused to provide the specific answers.

Last week, we continued the pressure. We told the Department that members of the committee, including myself, would travel to the State Department to view firsthand how they search for documents and have a discussion about the shortcomings they claim to have.

But what did the Department do when we told them that we were coming? They scrambled and did everything possible to deter our visit.

Earlier this week, however, we did learn more about the Department's internal process for identifying and reviewing documents, but we didn't get this information from the Department. Instead, we had to learn it from a lawsuit.

This past week, on May 18, the State Department's Acting Director for its Information Programs and Services filed a sworn declaration in a FOIA lawsuit, the Freedom of Information lawsuit. That declaration outlined the steps the State Department had taken since it received approximately 55,000 pages of emails from former Secretary Clinton in December of 2014 to review those documents for public release under the Freedom of Information rules.

Also, in that sworn statement, the State Department asserted that it had dedicated, on a full-time basis, a project manager, two case analysts, and nine Freedom of Information reviewers to review all 55,000 pages of emails since April. These 12 individuals are precisely the 12 FTE positions that were recently funded by the State Department's \$2.5 million reprogramming request.

Let me say that again. The State Department repeatedly complained to the committee that a lack of staff and other resources prevented it from making more timely production of documents to the committee, so the committee supported a reallocation of funds to enable the State Department to hire additional staff to work on document production to provide to this committee.

However, we continued to press the State Department for answers. Last month, we went so far as to put in writing 27 specific questions that the State Department needed to answer regarding its ability to produce documents to the committee and the use of the private email account by Secretary Clinton.

These were simple questions that fell into three simple categories. These categories are: the State Department's initial approval, if any, of Secretary Clinton's email server arrangement; the State Department's knowledge about this email server arrangement, its attempt to retrieve her email, and the lack of candor by the Department towards the committee about this, despite the committee's persistent requests for these emails; and number 3, details of the Department's review of her emails to ensure the Department is properly marshaling resources to respond to our requests.

Yet here we are, more than 1 month later, and the Department hasn't even been able to answer a single one of the 27 questions in writing.

In addition, we have attempted on multiple occasions to direct the Department toward specific key documents that we are after. We have prioritized our subpoena from 10 names down to 4 names, and then again down to 3 names. We have prioritized dates of documents from 2 years, down to 1 year, down to 3 months.

But again, here we are, 2½ months after we issued a subpoena and 6 months after we first sent the letter, and the Department has still not produced any of these priority documents. First, we moved a foot, then we moved a yard, and now we have moved our position one mile, but the State Department has not budged 1 inch.

Mr. Speaker, I would just like to show a little chart that shows the non-compliance that the State Department has done so far:

On 11/18 of 2014: The committee requests from the Secretary 10 senior officials' documents and emails—response, nothing.

On 12/17, we got a response: Let's meet. No documents produced.

2/13/2015: State produced Clinton emails acquired from her attorney.

3/4/2015: We subpoenaed the documents and emails of the 10 senior officials.

The State Department response: Let's meet. No documents produced.

3/26/2015: Three outstanding requests, ARB documents, 10 senior official documents and emails and server questions.

4/10: Briefing on document retention policies and procedures. No documents produced.

4/14: Compliance needed on both subpoenas.

4/15: Part of ARB documents produced 2 years after requested.

4/18: Two subpoenas outstanding. Full ARB compliance and documents. Emails of 10 senior officials.

4/22: Subpoenas outstanding for full ARB compliance and documents and emails of 10 senior officials.

State response: Just beginning to assess volume of emails. No documents produced.

4/24/2015: Response, second part of ARB documents produced 2 years after requested.

4/27/2015: Reminder of priority of 10 senior officials.

4/29: Response: Estimate given for volume of emails for 2 of the 10 senior officials. No documents produced.

5/4/2015: Lack of compliance on document request is unacceptable.

Response from the State Department: State responds but fails to identify any steps taken to produce documents. No documents produced.

Mr. Speaker, we have done everything we know to do to get these documents so we can finish this investigation. I don't know that anybody has any more right to know what has gone on than the American people and especially those families of those four great Americans that lost their lives.

The only thing holding us up from getting a definitive report of those actions before, during, and after those attacks is this executive branch and their Department of State. We are begging them. And as we have said before, we have moved an inch, we have moved a foot, we have moved a yard, we have moved a mile, and they have not moved one iota.

So our request to them is to listen, to give us the documents and let us finish this report.

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

CONGRESSIONAL ROLE IN TRADE POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Michigan (Mr. LEVIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. LEVIN. Mr. Speaker, it has been over 12 years since the last debate over trade promotion authority, the last time we considered the role of Congress in trade negotiations. Much has changed since then: the world has changed; trade negotiations have changed; and the role of Congress in trade negotiations has changed.

We all recognize that trade can be beneficial. The issue is not whether Congress could pass an Econ 101 class, as President George W. Bush's chair of the Council of Economic Advisers, Gregory Mankiw, recently put it. The issue is whether we are going to face up to the fact that our trading system today is much more complex than the simplistic trade model presented in an Econ 101 class.

A growing number of prominent economists today recognize those complexities, from Nobel Laureate economists like Joseph Stiglitz and Paul Krugman, to Columbia professor Jeffrey Sachs, former IMF chief economist Simon Johnson, and former White House adviser Jared Bernstein. But too many want to pretend the question of a trade agreement is a "no-brainer," as Professor Mankiw suggests; or that the benefits of trade "flows from the classic theory of trade gains first expounded by David Ricardo in 1817"—from a Council of Economic Advisers report in May 2015—because, as Charles Krauthammer recently wrote: "The law of comparative advantage has held up nicely for 198 years."

What do David Ricardo and Adam Smith have to say about the inclusion of investor-state dispute settlement in our trade agreements? Nothing, to my knowledge. What do they have to say about providing a 12-year monopoly for the sale of biologic medicines? about the need to ensure that our trading partners meet basic labor and environmental standards? How about the issue of currency manipulation? What does the theory of comparative advantage have to say about those issues? Absolutely nothing. And yet those are the

issues at the crux of the TPP negotiations today.

So how do the old ideas on trade fall short? Let me mention a few examples:

First, as Joseph Stiglitz pointed out recently, 19th century economics and the theory of comparative advantage assumed a fixed level of technology—no technological changes—and full employment. Those assumptions don't fit very well in today's world.

Second, one of the most critical economic issues facing our country today is growing inequality and a stagnant middle class. Many trade economists believe that trade contributes to that inequality. But some try to downplay that fact by pointing out that other factors may contribute more to the problem, as if that means we should not worry about the impact trade is having. Consider this from Dani Rodrik, a Harvard University economist: "The gains from trade look rather paltry compared to the redistribution of income . . . In an economy like the U.S., where average tariffs are below 5 percent, a move to complete free trade would reshuffle more than \$50 of income among different groups for each dollar of efficiency or 'net' gain created . . . We are talking about \$50 of redistribution for every \$1 of aggregate gain. It is as if we give \$51 to Adam, only to leave David \$50 poorer."

David Rosnick of the Center for Economic and Policy Research expects TPP will have a very small but positive impact on U.S. economic growth—0.13 percent of GDP by 2025. However, he notes that economists today generally agree that trade contributes to growing economic inequality in the United States, with estimates ranging from 10 to 50 percent of the total inequality growth. When he combines these two concepts, GDP growth but rising inequality from trade, he concludes: "under any reasonable assumptions about the effect of trade on inequality, the median wage earner, and therefore the majority of workers, suffers a net loss as a result of these trade agreements." In other words, the economic pie may grow slightly as a result of our trade agreements, but the average American worker gets a smaller slice of that pie.

Similarly, in September The Brookings Institution published an economic research paper by three economists, two affiliated with the Federal Reserve system, that found that trade and globalization accounts for the vast majority of labor's declining share of income in the United States over the past 25 years. Specifically, they found that "increases in import exposure of U.S. businesses can explain about 3.3 percentage points of the 3.9 percentage point decline in the U.S. payroll share over the past quarter century."

This underscores that the substance of the trade agreements, the international rules, matter. Our trade agreements must be designed to shape trade, to spread its benefits more broadly.

Third, we need to stop pretending that trade only has benefits and few costs. We need to stop talking exclusively about exports and downplaying the negative impact that some imports have, as the Council of Economic Advisers did in a recent paper.

□ 1400

Of course, imports can help to lower prices for manufacturers and consumers. But lower prices don't do you much good if you have lost your job or seen your wage decline or stagnate. Again, as Jeff Sachs has said, "It is true that the benefits outweigh the costs, leading to the argument that winners can compensate losers. But in America, winners rarely compensate losers; more often than not, the winners attempt to trounce the losers."

Mr. Speaker, the old economics models are based in part on trade between countries with similar economic structures. This is no longer the case.

The 12 parties involved in the TPP negotiations—accounting for 40 percent of the world GDP—include economies ranging from some of the world's largest market-oriented economies to some of the smallest, least developed command economies. We have never been able to establish a level playing field with Japan—after decades of trying, and multiple "agreements" to solve various problems—and the Japanese market stands virtually closed today in key areas like agriculture and automobiles. We have never negotiated a free trade agreement with a communist country like Vietnam where state-owned enterprises are a major concern and the Communist Party and the once so-called labor union are one and the same.

The issues involved in trade negotiations have also changed dramatically. We are no longer simply negotiating tariff levels. As Professor Jeff Sachs of Columbia University said recently, "Both TPP and TTIP would be better described as multinational business agreements involving three distinct areas: international trade, cross-border investment, and international business regulation."

The TPP negotiations cover a range of subjects far beyond those negotiated in any previous multilateral negotiation, concerning everything from intellectual property and access to medicines, to financial regulations, food safety measures, basic labor and environmental standards, cross-border data flows, and state-owned enterprises. So the economics of trade have changed, and the trade negotiations themselves have changed, and so too has the congressional role.

In recent years some of us have had to take it upon ourselves to rewrite the rules of trade negotiations. In 2006 when the Democrats took the majority in the U.S. House, we made it clear to the Bush administration that we were not going to consider the Peru, Panama, Colombia, and Korea Free Trade Agreements as negotiated. Each of them would need to be fixed.