

from my district who is severely impacted by autism and has made a positive difference in thousands of lives in south Florida. How has he done this?

Mr. Speaker, for years, Robert has helped train 6,000 Miami police officers, firefighters, and EMTs to identify people with developmental issues and tailor their actions and responses accordingly. With Robert's help, officers and first responders in south Florida are trained to de-escalate volatile emergency situations involving individuals on the autism spectrum or with mental illness.

Robert's assistance in emergency response training has not only helped officers to connect with autism patients on an emotional level, but it has also made a positive impact and has saved many lives in our south Florida community.

I thank Robert for his tireless work and participation in police and first responder training for more than 10 years. His efforts have helped make south Florida an even better community for all of us.

Thank you, Robert.

NAS REPORT ON THE VALUE OF SBE SCIENCES

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

Mr. LIPINSKI. Mr. Speaker, I rise today to highlight the findings of a recent report by the National Academies of Sciences, Engineering, and Medicine entitled: "The Value of Social, Behavioral, and Economic Sciences to National Priorities." This report was requested by the National Science Foundation to examine whether the Federal Government should continue funding research in these disciplines. The resounding answer is: yes.

The report found that SBE funding furthers the mission of NSF and helps other agencies achieve their missions, and this funding provides tools and methods that have helped business and industry grow the U.S. economy and create jobs.

The report also highlights that virtually every major challenge the country faces today requires understanding the causes and consequences of people's behavior. The way we do this is by funding research in the social, behavioral, and economic sciences.

Mr. Speaker, investments in SBE are critical for our Nation's future, and we must continue this robust investment.

RECOGNIZING LEDVANCE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, for the past 100 years, people in St. Marys, Pennsylvania, have been producing light for the world.

Earlier this week, I had the opportunity to visit the LEDVANCE manufacturing facility and visit with employees. St. Marys is located at the eastern edge of the Allegheny National Forest in the Pennsylvania Fifth District. It is a town this has a rich and storied history of being a leader in manufacturing.

The LEDVANCE facility in St. Marys manufactures nearly 2 million incandescent and halogen light bulbs—and soon, LED light bulbs—each day, in 1,700 packages and varieties. Its employees are skilled, knowledgeable, and dedicated to their craft. They are producing state-of-the-art lighting solutions right in the heart of north central Pennsylvania.

LEDVANCE has locations throughout North America and is a global leader in advancing light with LED, traditional and smart lighting, and accessories. It was a privilege to tour the St. Marys facility and meet with the talented local employees who work diligently each day to produce a quality product.

Congratulations to our workforce in St. Marys on 100 years of knowledge and expertise to advance light around the world.

IMMIGRATION REFORM

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

Mr. POLIS. Mr. Speaker, I rise today to highlight the need for bipartisan immigration reform.

Until Congress addresses our broken immigration system; secures our border; provides a pathway for people who have been here a long time to be able to eventually earn full citizenship; and provides a way for people who are here illegally and required to register, get right with the law, and get in line behind those who have come legally, it will remain a problem in cities and communities across our entire country.

There has been a failure of leadership in this body, the United States Congress, to actually address our broken immigration system. There has been a failure from both sides to provide a pathway forward for a problem that only Congress can solve, and that will only get larger until we take it up here.

Last week, I visited the ICE detention facility in Aurora, Colorado. I witnessed and talked to family members and mothers who had been taken away from their American children over something as minor as a speeding ticket.

We can, and we must, do better as a nation. We need an immigration system that reflects that we are both a nation of laws and a nation of immigrants. I call upon my Republican and Democratic colleagues to work together to achieve this end.

PROVIDING FOR CONSIDERATION OF H.R. 2810, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018, AND PROVIDING FOR CONSIDERATION OF H.R. 23, GAINING RESPONSIBILITY ON WATER ACT OF 2017

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 431 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 431

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2810) to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-23, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived.

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

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

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

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

shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. At the conclusion of consideration of the bill for amendment pursuant to this resolution, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 5. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 23) to provide drought relief in the State of California, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-24. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MACARTHUR). The gentleman from Alabama is recognized for 1 hour.

□ 1230

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

GENERAL LEAVE

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

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

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 431 provides for full consideration, including making six amendments in order to H.R. 23, the Gaining Responsibility on Water Act, and allows us to begin consideration of H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018.

H.R. 23 is legislation necessary to deal with the severe water supply crisis facing California and other Western States. The region has experienced the worst drought in over 1,000 years, and many Western communities have been very negatively impacted.

This commonsense legislation fixes the broken regulatory system that is only exacerbating the impact of the drought conditions. The current regulatory system is overly complex and inconsistent. Making matters worse, various court decisions have only further complicated efforts to resolve these issues.

For example, this bill will help bring California's water infrastructure into the 21st century. The current water storage and delivery system is designed to serve approximately 22 million people, but the State currently has 37 million residents.

The bill is not only important to people in California. In fact, around half of our Nation's fruits and vegetables come from California. Every American could be hit in the pocketbook at the grocery store or checkout line if the California drought is allowed to continue.

Through this legislation, we can help expand water infrastructure and allow for greater water conveyance while ensuring environmental and water rights protections. Passing H.R. 23 will directly help address the drought crisis and benefit families, farms, the environment, and the American economy.

The rule also allows us to begin consideration of the National Defense Authorization Act. The bill provides for general debate and makes in order 88 amendments, including 41 minority amendments and 20 bipartisan amendments. Another rule is expected tomorrow to provide for consideration of additional amendments.

This open process actually started in the Armed Services Committee on which I serve. At the committee level, 275 amendments were offered, and 231 amendments were adopted during our committee markup last month.

I have said this many times on this floor, but it is worth saying again: there is no greater responsibility of the Federal Government than to provide for the safety and security of the American people. This year's NDAA does just that by reforming, repairing, and rebuilding the United States military.

The bill addresses the realities of the dangerous threat environment facing our Nation and ensures our troops and their families have the necessary resources and benefits.

Over the last decade, we have cut our military at an alarming rate. As the

threats rack up, we have planes that can't fly, ships that can't sail, and soldiers who can't deploy. We must reverse this readiness crisis.

Thankfully, there is bipartisan support for boosting our Nation's military. In fact, this bill passed out of the Armed Services Committee by a vote of 60-1, continuing a strong bipartisan tradition of passing NDAAs.

I want to briefly highlight just a few of the positive provisions of this legislation.

The bill increases total military spending by 10 percent to rebuild the military from the current readiness crisis. This includes increasing the size of the Army, Navy, Air Force, Army Guard and Reserve, Naval and Air Reserve, and Air Guard.

Given the serious threat posed by North Korea, the bill boosts missile defense programs, including adding an additional \$2.5 billion above the President's budget request.

The bill also authorizes the construction of 13 new Navy ships, including three more littoral combat ships, as we work to grow toward a 355-ship fleet. It funds a 2.4 percent pay raise for our troops and extends special pay and bonuses for servicemembers.

Importantly, the bill continues to advance Chairman THORNBERRY's priority of reforming and strengthening the military's acquisition process to make it more effective and efficient.

Given the evolving threats related to cyber, the bill improves the oversight of cyber operations.

The bill also helps set policy for the U.S. military relating to Afghanistan, Syria, Iraq, Ukraine, Russia, Africa, and the Asian Pacific region.

All told, this bill achieves important priorities of reforming, repairing, and rebuilding our military.

Each and every day, more than 2 million men and women put on the uniform of the United States and serve our country. As we have seen by two recent tragedies, the Marine plane crash in Mississippi and the USS Fitzgerald collision off the coast of Japan, these individuals put their lives on the line in order to protect the freedoms we all hold dear. They deserve the resources necessary to fulfill their mission and the benefits worthy of those who sacrifice so much.

So I am hopeful we can continue to move forward in a bipartisan manner to pass this NDAA, to support our troops, and to fulfill our constitutional obligation to provide for the common defense.

Mr. Speaker, I urge my colleagues to support House Resolution 431 and the underlying bills, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule for providing debate on the National Defense Authorization Act, often called the NDAA, and also the

Gaining Responsibility on Water Act. First let me address that act.

They tried to create an acronym called the GROW Act, Gaining Responsibility on Water, trying to make it seem like it actually might help things grow, when it actually picks winners and losers in water—and the losers are the environment, the State of California, and many others.

There are also a lot of problems around the process for the GROW Act. It bypassed hearings and markups. In fact, up until this bill was published on the Rules Committee website, only lobbyists and a few Republicans even knew what many of the provisions in this bill were. This kind of backroom dealmaking is one of the reasons the general public holds Congress in such low esteem.

There is an immense amount of opposition to this legislation, including from conservation groups, fishing groups, Native American Tribes, and the State of California.

Mr. Speaker, I have several letters that I include in the RECORD in regard to opposition to H.R. 23. One of the letters is signed by groups ranging from the American Bird Conservancy to the Animal Welfare Institute, to the Humane Society and a number of others, discussing how this bill would dramatically weaken protections for salmon, birds, and other fish and wildlife.

Another letter that I include in the RECORD is from a former colleague of ours, now the attorney general of the State of California, Xavier Becerra, and, finally, a letter from the Governor of California as well.

PLEASE OPPOSE H.R. 23

JULY 11, 2017.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we write to urge you to oppose H.R. 23 (Valadao, R-CA). This bill would dramatically weaken protections for salmon, migratory birds, and other fish and wildlife in California's Bay-Delta watershed and would threaten thousands of fishing jobs in California and Oregon that depend on the health of these species. In addition to gutting critical federal environmental protections in California, H.R. 23 also preempts a wide range of state environmental laws and would prevent the State of California from protecting and managing its own water and wildlife resources. In addition to these provisions focused on California, the bill also includes titles that would reduce public and environmental reviews of new dams and water infrastructure across the Western states. Both the Obama Administration and the State of California opposed similar legislation in recent years, including opposition to H.R. 3964 (Valadao, R-CA) and H.R. 5781 (Valadao, R-CA) in 2014, and H.R. 2898 (Valadao, R-CA) in 2015.

California has just emerged from a devastating drought, and the state is taking proactive steps to protect cities, farms, and the environment from future dry spells. However, several provisions in H.R. 23 would undermine California's efforts by permanently preempting critical state laws that protect salmon and other native fisheries and the jobs they support. In addition, this legislation would effectively repeal and preempt state and federal laws and a binding settlement agreement that require restoration of the San Joaquin River and its native

salmon runs, instead permanently drying up 60 miles of California's second longest river. H.R. 23 not only preempts state law as applied to federal water projects in California, but it also preempts the application of state laws to the State Water Project and virtually all water rights holders in California's Bay-Delta watershed. This extensive preemption of state law in H.R. 23 is contrary to over a hundred years of Reclamation law and would set a dangerous precedent for other Western states.

H.R. 23 would also override the Endangered Species Act, increasing the risk that winter-run Chinook salmon and other native fish species are driven extinct. Further, H.R. 23 could devastate wildlife refuges that provide habitat for millions of birds that migrate along the Pacific Flyway by undermining the refuges' water rights and threatening critically important funding sources. H.R. 23 would also eviscerate the 1992 Central Valley Project Improvement Act, eliminating instream flows to benefit salmon and funding for habitat restoration projects, which help to mitigate the adverse effects of the Central Valley Project. The impacts from these provisions would reverberate along the entire West Coast, affecting fishing jobs and related industries in Oregon and Washington that depend on salmon from California's Central Valley and threatening populations of waterfowl and shorebirds that migrate to and from Alaska and Canada each year.

In addition to these provisions focused on gutting environmental protections in California, H.R. 23 also includes several titles that would weaken the public's right to know and environmental protection across the western United States. For instance, the bill's dam permitting provisions would give the U.S. Bureau of Reclamation unprecedented control over the environmental review process and could undermine the ability of the U.S. Fish and Wildlife Service and N.O.A.A. Fisheries to share expertise and inform the development of major infrastructure investments. These provisions would make it difficult, if not impossible, for responsible agencies to meaningfully analyze proposed projects and could limit the public's ability to weigh in on infrastructure that could affect communities for decades.

H.R. 23 has not been the subject of a single committee hearing to receive public input from the State of California, hunting organizations, sport and commercial fishermen, tribes, or conservation groups, even though the bill could greatly interfere with state water rights and cripple the ability of state and federal agencies to manage limited water resources for all beneficial uses. Last year Congress passed legislation addressing California's water operations in the Water Infrastructure Improvements for the Nation Act of 2016 (P.L. 114-322). H.R. 23 would undermine that legislation, which supporters claim requires that state and federal water projects are operated in compliance with state law and the Endangered Species Act.

H.R. 23 also threatens thousands of fishing jobs in California, Oregon, and beyond that depend on healthy salmon runs from the Bay-Delta. The closure of the salmon fishery in 2008 and 2009 resulted in thousands of lost jobs in these states. The livelihoods and recreational interests of salmon fishermen, Delta farmers, fishing guides, tackle shops, bird watchers, waterfowl hunters, and communities across California and along the West Coast depend on the environmental protections that H.R. 23 would eliminate.

For these reasons, we respectfully urge you to oppose H.R. 23. Thank you for your attention.

Sincerely,
American Bird Conservancy,
American Rivers,

Animal Welfare Institute,
Audubon California,
Center for Biological Diversity,
Center for Food Safety,
Defenders of Wildlife,
Earthjustice,
Endangered Species Coalition,
Environmental Protection Information Center,
Friends of the River,
Humane Society Legislative Fund,
International Marine Mammal Project of Earth Island Institute,
Klamath Forest Alliance,
League of Conservation Voters,
Natural Resources Defense Council,
San Juan Citizens Alliance,
Sierra Club,
The Bay Institute,
Turtle Island Restoration Network,
Western Nebraska Resources Council,
Western Watersheds Project,
WildEarth Guardians.

STATE OF CALIFORNIA,
OFFICE OF THE ATTORNEY GENERAL,
Sacramento, CA, July 11, 2017.

Re H.R. 23 (Valadao).

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

Hon. NANCY PELOSI,
House Minority Leader,
House of Representatives, Washington, DC.

DEAR HOUSE SPEAKER RYAN AND HOUSE MINORITY LEADER PELOSI: I am writing to express my opposition to H.R. 23, the Gaining Responsibility on Water Act of 2017. This legislation would exempt California from the long-standing principle that Congress should defer to the individual states in the management of their water resources. While H.R. 23 purports to affirm state authority to regulate the waters within their borders as to other western states, the legislation singles out California by abrogating California water resource law and effectively federalizing the State's water resource management to the injury of the State's fish and wildlife resources.

Like its predecessors H.R. 1873 and H.R. 3964, H.R. 23 would transgress state sovereignty in at least three important respects. First, the legislation would mandate that the federal Central Valley Project (CVP) and the California State Water Project (SWP), the largest water projects in the State, operate to outdated water quality standards for the Sacramento-San Joaquin Delta developed over twenty-two years ago, and would preclude state authorities from altering such standards notwithstanding the cumulative scientific evidence that these standards are insufficient to protect the State's fisheries. Second, the legislation would prohibit the California State Water Resources Control Board (SWRCB) and the California Department of Fish and Wildlife (DFW) from exercising their state law duties to protect fishery resources and public trust values, not only as to CVP and SWP operations, but as to all water right holders in California. Third, the legislation would overturn settled principles of cooperative federalism by materially altering the San Joaquin River Restoration Settlement Act, an act that implements a settlement reached by the United States, several environmental organizations, and local water users resolving a dispute over application of state fishery law to federal facilities on the San Joaquin River. California supported the compromise settlement and the implementing legislation and is a partner in the San Joaquin River Restoration Program.

These proposed constraints on California's ability to manage its natural resources conflict with historic principles of western

water law. In *California v. United States* (1978) 438 U.S. 645, 654, the U.S. Supreme Court affirmed California's ability to impose state law terms and conditions on federal reclamation projects, and declared that, "[t]he history of the relationship between the Federal government and the States in the reclamation of the arid lands of the Western States is both long and involved, but through it runs the consistent thread of purposeful and continued deference to state water law by Congress."

California law grants the SWRCB the continuing authority to review and reconsider all water rights for the purpose of determining whether their exercise would violate the reasonable use requirement of the Article X, Section 2 of the California constitution and California's common law doctrine of the public trust. According to the California Supreme Court, "[t]he state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible." (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 319, 446.) The California Legislature has adopted these principles as "the foundation of state water management policy." (Cal. Wat. Code, 85023.) H.R. 23 would abrogate California's ability to apply its water resource laws while purporting to maintain and protect the ability of other western states to manage their water resources. H.R. 23 provides no explanation as to why California should be subject to such disparate treatment as to its sovereign authority to manage its natural resources.

In addition, H.R. 23 takes these steps in violation of settled constitutional principles of state sovereignty. Relying upon separation of powers principles set forth in the Tenth Amendment and elsewhere in the U.S. Constitution, the U.S. Supreme Court in *New York v. United States* has held that "even where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts." (*New York v. United States* (1992) 505 U.S. 144, 166-167.) In *Printz v. United States*, the U.S. Supreme Court expanded its ruling in *New York* and held that "[t]oday we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly." (*Printz v. United States* (1997) 521 U.S. 898, 935.)

By compelling the SWP, a state-funded and managed water project, to operate based upon congressionally-mandated Delta water quality standards, rather than allowing California to develop standards that reflect the most recent scientific information regarding the Delta, H.R. 23 is "requiring" a state agency to comply with a federal policy. By preventing the SWRCB, the DFW, and other state agencies from taking actions to protect fishery and other public trust values, H.R. 23 is "prohibiting" the State from enforcing state law. These provisions of H.R. 23 violate settled state sovereignty principles. Congressional passage of H.R. 23 would have, in effect, unconstitutionally "dragooned" state agencies and state officials "into administering federal law." (*Printz, supra*, 521 U.S. at p. 928.)

I urge you to oppose H.R. 23. Congress cannot justify the legislation's disparate treatment of California's sovereign authority to manage its natural resources and cannot compel California to act as its regional agent to enforce congressional policy. I ask that you affirm the long-standing congressional tradition of cooperative federalism and dual sovereignty in water and reject

H.R. 23's attempt to federalize water resource management in the California.

Sincerely,

XAVIER BECERRA,
Attorney General.

OFFICE OF THE GOVERNOR,
July 10, 2017.

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

DEAR SPEAKER RYAN: I write to oppose H.R. 23, the "Gaining Responsibility on Water Act of 2017."

Water defines the west and for over a century Congress and the courts have consistently recognized that state law determines how water is developed and used. Western states have successfully resisted any attempted intrusion into this essential attribute of their sovereignty, including in the operation or construction of water projects involving the federal government. This bill overrides California water law, ignoring our state's prerogative to oversee our waters. Commandeering our laws for purposes defined in Washington is not right.

It is also not smart. California is the sixth-largest economy in the world, and its future depends on the wise and equitable use of its water. Making decisions requires listening to and balancing among the needs of California's nearly 40 million residents and taking into consideration economics, biodiversity and wildlife resources. All of this is best done at the state and local level—not in a polarized political climate 3,000 miles away.

Undermining state law is especially unwise today as California, with input from all stakeholders, is poised to make its boldest water infrastructure investments in decades: funding surface storage, updating an antiquated delta water conveyance, and adopting water-use efficiency targets.

I ask you to respect California's rights and shelve this bill.

Sincerely,

EDMUND G. BROWN, JR.

Mr. POLIS. Mr. Speaker, the only winners under this bill are actually a few large agricultural producers who will take all the water, leaving none for many others. This bill is a water grab, plain and simple. The so-called GROW Act provides no new water, but it takes the existing water and gives it to those with the best lobbyists here in Washington.

Instead of this highly partisan bill, we should be taking steps to actually grow the water supply for everybody, with water recycling, with water conservation, water efficiency, many other nonideological, nonpartisan fixes, water infrastructure that can actually help deliver water to small farmers, protect our environment, and, yes, our legitimate agricultural producers as well.

Unfortunately, instead, we are stuck with this so-called GROW Act, which jeopardizes fishing jobs, preempts State conservation laws, overrides the Endangered Species Act for salmon and wildlife, weakens critical safeguards under the NEPA process, and undermines water rights. In doing so, this bill would permanently destroy California's rivers, Bay-Delta Estuary, needed fisheries, and the thousands of jobs that depend on those natural resources.

This bill is not a balanced protection. It picks winners and losers and hands

over water rights to those who are present for the backroom deals in Washington.

Let's go back to the drawing board. I come from the State of Colorado, and we know how important water is. Let's find a way to find a bipartisan path to grow the water supply across the Western United States.

□ 1245

Let me address the other bill that is contained in this rule, the NDAA, National Defense Authorization Act. For 56 straight years, the United States Congress has come together to craft policies and recommendations for the United States Armed Forces and to put those policies into law under the authorizing statute for our military. Without question, this bill is one of the most consequential and important items that Congress undertakes each year.

Personally, I have found objections to policies, and I have been a fan of other policies contained in these bills while I have been in Congress. And I want to commend the work of my colleagues, Democratic and Republican, who serve on the Armed Services Committee for their important work on this legislation so important for our national security.

Many of my colleagues on the Armed Services Committee have served or do serve in our military. Members of the committee are dedicated public servants, they are experts in their field, they travel and learn and hear from experts, and they set aside many of their political differences to do what it takes to keep America safe and secure, something that Republicans, Democrats, Independents are all committed to. We need to make sure that we give our military the tools they need to safely carry out the tasks that the Commander in Chief and elected officials ask them to undertake.

I commend the committee for putting forth a bill that takes constructive steps in filling military readiness gaps, requiring strategies from the administration and the Department of Defense with regard to contingencies in several countries, and acknowledging and planning for the real climate change threat that is posed to our national security.

Yet the work of the NDAA is not limited to members of the Armed Services Committee. The Members of this body as a whole, Democrats and Republicans who don't serve on that committee, have submitted over 400 amendments to do what each one of us believes would, in some way, improve this bill and strengthen our national security.

But the work of NDAA continues, and before this week is over, I expect to see the Rules Committee make in order an even greater number of these amendments. We took the first step in this rule by making a few dozen amendments in order, and we will continue that work in Rules Committee this afternoon as we thoughtfully go

through the 400 amendments so a representative number of those from my Democratic and Republican colleagues who don't have the opportunity to serve on the Armed Services Committee can present those ideas for consideration by the full House.

But for all the hard work that the Armed Services Committee has done, what we have before us this week is essentially an argument that needs to be solved by the Budget Committee and can't, frankly, be solved by the authorizing committee.

What we are doing is we are having a very strange debate in this body. We are having effectively a budget debate within the defense bill. We are discussing authorization levels, when we know that the real discussion and battle over tradeoffs will be around the funding levels, not so much the authorization levels.

One of the tricks that we worry about is by blatantly disregarding the proper use of the overseas contingency fund and by deliberately flouting limitations set by the Budget Control Act, this Armed Services authorization bill has been completely overtaken by the debate on the Federal budget.

So this week we see a debate about the inability to pass a budget, adhere to a budget, and balance our budget, and, rather, we are operating kind of in this lala world of, if we had all the money in the world, here is what we would do, but as my Democratic and Republican friends know, we live in a world of tradeoffs, and we as Democrats and Republicans will need to decide what those tradeoffs are. That is not being done in this bill, and, in fact, it is one week less that we have to have those important discussions about how to actually secure America and protect our country.

If the debate over armed services wasn't such a serious topic, I would, frankly, give the Republicans kudos for building such an elaborate and complex budget scheme. It is very clever, more so than the traditional overseas contingency gimmicks that have been presented within recent years. It took me a little while to even understand what this budget gimmick was, and I am going to now seek to explain it.

The Defense spending budget is capped at \$549 billion by the Budget Control Act of 2011. \$549 billion is the maximum that would be spent on defense. This bill authorizes \$621 billion as its discretionary base budget authority. That means that the bill we are debating today goes \$70 billion in spending above the spending caps that Congress agreed on. That is all deficit spending. That means Congress will increase the deficit by \$70 billion under this bill, but it gets worse.

The United States has been embroiled in conflict abroad since 2001, and many administrations, Democratic and Republican, have requested another pot of money that we call the overseas contingency fund. These funds, as the name indicates, are sup-

posed to be used for paying costs that are incurred due to U.S. engagement in contingency operations, not baseline operations. And they are exempt, rightfully so, from the budget caps, because we never wanted to constrain our ability to provide funding for an unforeseen contingency situation that becomes a necessity for our national security.

This year, however, the bill provides for \$74 billion for this overseas contingency fund, a full \$10 billion above what was even requested by the President.

Now, a reminder, the Republicans haven't actually produced a budget this year, so we can't exactly make a comparison between the President's budget and the Republican majority's budget. I think one of the reasons they might be afraid to is they will show substantially increased deficits with these tax-and-spend Republican policies that have come to typify the Republican approach to grow our government with every new spending bill.

What the NDAA does is it takes this overseas contingency account, which is often called the slush fund for the Pentagon, it adds \$10 billion to that fund, but instead of paying for future contingencies, that will pay for baseline operations. Some of that \$10 billion goes to the unfunded priorities of the Pentagon, things it couldn't quite fit in the \$621 billion, which already increases Federal spending by \$70 billion.

So it is just throwing money, Federal money, your taxpayer money, Mr. Speaker, hand-over-fist, without a plan, indebting future generations for spending money today. The Pentagon gets more big ticket items they want.

And, likewise, it is hard to argue with funds being allocated to operations and maintenance. We are all for maintenance, we are all for readiness, but we are all for understanding the tradeoffs that we have. We cannot simply continue to spend irresponsibly, indebting future generations.

At some level, Mr. Speaker, and I think this kind of throwing additional money well above and beyond the budget caps reaches that level, we make our Nation less secure rather than more secure by making us economically beholden to foreign nations and indebting future generations of Americans.

Congress has set limits on how much we can spend on defense versus non-defense. So when we run out of money under this NDAA plan, either we are going to be forced to spend more, which is what you and I can predict what will happen, of course that is what is going to happen, or they are somehow going to find the money elsewhere, which I can pretty much assure you, Mr. Speaker, is not going to happen. That is a prediction that I am giving you.

And not having seen a budget, by the way, this is, we think, why Republicans haven't come up with a budget, because they know they can't make enough devastating cuts to possibly pay for this military increase, and they cer-

tainly don't want to put their name to paper on those cuts. And we all know what is going to happen. They won't make those cuts, spending will go up, debt will go up. I mean, that is what we know will happen. We have been here before, seen that movie.

Now, again, theoretically, Draconian cuts can be made to schools and Head Start and NASA and medical research, money fighting the opioid epidemic, homeland security, police. Yeah, theoretically they can devastate everything inside of our country, leaving a hollowed-out core, a well protected hollowed-out core, but I know Republicans aren't cruel enough to do that. Instead, they are going to kick the can down the road and indebt future generations and make our country less secure by borrowing money from China and Saudi Arabia to fund today's military, making us economically beholden to the very foreign powers that represent a real geopolitical threat to American interests.

That is why budgets matter, that is why these budget gimmicks that are being used through the overseas contingency fund matter, and that is why we need to have a budget debate, not a fake budget debate in the context of a national defense debate, which is what is being done here today.

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

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

Mr. Speaker, the gentleman referred to what this would do to the budget. I would point out to the gentleman, and I think I did this in committee yesterday, that if this is passed, it will only be 16.8 percent of total Federal outlays, which means the single most important thing that we do here in government only gets less than 20 percent of the money that we are going to spend. So I don't think it is asking too much of ourselves, as the people responsible for providing for the defense of America, that we spend 16.8 percent of all the Federal money we are going to spend next year on making the American people safe and secure.

He spoke about tradeoffs. Let me tell you one tradeoff I don't think any of us should be willing to make, and that is trading off the safety and security of the American people for trying to keep some other overspending in some other part of the budget going.

We need to focus today, and in this bill, on what it takes to authorize the defense and the safety and security of the American people, and I believe this bill does that, as did all but one of my colleagues on the House Armed Services Committee.

So I believe that we have struck the appropriate balance here that does all that. Yes, we have got some budget things we need to take care of. That is for later. For today, we are going to focus on defending the American people.

Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. AUSTIN

SCOTT), my colleague on the Armed Services Committee.

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I would like to thank the gentleman from Alabama (Mr. BYRNE) for his work on the National Defense Authorization Act.

Mr. Speaker, I rise today to ask my fellow Members to support the fiscal year 2018 National Defense Authorization Act.

After nearly 13 hours of debate, my colleagues and I on the Armed Services Committee, we came together, we passed the legislation to provide critical resources and reforms for our Nation's military to undertake the 21st century threats that our country and the world faces.

Part of facing these challenges is ensuring that our military personnel are able to combat the dangerous and illegal actions of transnational criminal organizations, particularly those close to home in the SOUTHCOM region.

Mr. Speaker, I appreciate the gentleman who spoke earlier about the opioid epidemic. I would just remind my fellow Americans that over 5,000 Americans die every month from drug overdoses.

Just a few months ago, I, along with the gentleman from Texas (Mr. VEASEY), had the opportunity to visit with the Joint Interagency Task Force South and SOUTHCOM's headquarters in Florida to hear and see firsthand the challenges that migrant and drug interdiction within the Caribbean region pose on homeland and national security.

Included in the fiscal year 2018 National Defense Authorization Act is a provision that I authored aimed at addressing the threat these transnational criminal organizations pose on our country and seeking to find new ways to support SOUTHCOM in their continuing efforts to tackle those threats head-on.

To all of the members of the SOUTHCOM team, I want to thank you for the important work that you do in securing our coastlines, supporting our national security, and protecting your fellow Americans.

To my colleagues, I urge your support in passage of the fiscal year 2018 NDAA to keep the U.S. military the best and most prepared fighting force in the world.

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

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. GALLEGRO), a distinguished member of the Armed Services Committee.

Mr. GALLEGRO. Mr. Speaker, this rule is a travesty. If we vote to approve it, an amendment unanimously supported by the Armed Services Committee—unanimously, all Democrats and all Republicans would compromise language—to prevent President Trump from using our military's money to build his border wall will suddenly vanish. It is a legislative magic trick, a

sneaky gimmick designed to disguise their actions.

Once again, Speaker RYAN and the House Republicans are doing President Trump's dirty work. They want to make sure that Trump can build his wall, but they are also desperate to avoid a clean up-or-down vote on this issue. They are hiding from the American voters.

They didn't have the courage to oppose my amendment in committee or even on the House floor. They passed this rule late at night with hardly anyone watching, in typical Republican fashion.

Republicans are resorting to deceptive legislative tactics to do Trump's bidding just for his small, fragile ego.

Mr. Speaker, this self-executing rule, if it comes to fruition, is going to attempt to slip one past Congress and the American people.

Just 6 months into this administration, it is already abundantly clear that Mexico won't pay for Trump's stupid, dumb border wall. We must not allow precious resources to be robbed from our troops simply to score political points for Trump's ego.

Mr. Speaker, with Mexico refusing to entertain this absurd policy and without a direct appropriation from Congress, President Trump is going to get desperate. His administration will inevitably seek to pull money from other sources to make good on his promise to build this wall, including from the Defense budget.

That is why my amendment was so crucial. It would simply ensure that DOD resources aren't siphoned off for a pointless wall that we don't need and cannot afford. It was supported by Democrats and Republicans alike, the ranking member and the chairman.

As a Member of Congress, we have a sacred responsibility to ensure that money meant to address real national security challenges isn't diverted to combat imaginary ones that the President has created.

□ 1300

As a Marine Corps veteran, I believe it would be an insult to our members of the military if their resources were re-allocated to build a wall that we don't need, that won't bring us more security, when we have tens of thousands of military members that are currently still on food stamps while serving this country.

Mr. Speaker, make no mistake: a vote for this rule is a vote to build the wall and take precious resources from the Department of Defense budget. Please vote "no."

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

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

Mr. Speaker, I appreciate the comments of my colleague from Arizona.

This was not done in the middle of the night in secrecy. This was done in

full committee with cameras watching us, and done early in the evening with full debate, so I disagree with him about that.

Let's talk about the wall for a second.

I support President Trump and what he is trying to do with the wall. I hope we get to a point where we can deal with that.

This is a defense authorization bill. This is not a wall authorization bill. The wall is already authorized. We don't need an authorization bill for the wall. It is already there. The next step for us to take for the wall is an appropriations bill, and this is not an appropriations bill.

So what the Rules Committee has done is made it clear that we are not going to deal with the wall one way or the other in the National Defense Authorization Act. That is not the proper place for it. That is not the proper place to be spending money for it. There is another part of our budget, another law for us to deal with there.

So I hope that we all will understand that what we have done is made it clear there is nothing in this bill—nothing—about a wall, nor should there be anything in this bill about a wall, because that is for another committee, another bill, another time, and another place.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Wyoming (Ms. CHENEY), our newest member of the Armed Services Committee and the Rules Committee.

Ms. CHENEY. Mr. Speaker, I thank very much my colleague from both the Rules Committee and the Armed Services Committee, Mr. BYRNE, for his work on this bill.

Mr. Speaker, I rise today to urge my colleagues to support both of these underlying bills, and I want to speak particularly about the National Defense Authorization Act.

We are, today, living in a world where we face a more complex array of threats than at any time in the last 70 years. The obligation that we have to our men and women in uniform, to make sure that we provide them with the resources that they need to defend this Nation, is a more solemn obligation than any other we have.

There are many things that we were elected to do when we came to Washington, and we have done many of those things in this Congress. We have been a historically productive Congress in the months that we have been here. We have passed repeal and replace of healthcare reform, we have passed the repeal bill for Dodd-Frank, we have begun our important work on immigration reform, and we have done tremendous work on regulatory reform to lift the burden of the massive overreach of the Obama years. But there is nothing that we do that is more important than providing the resources for our men and women in uniform. This bill is a very important first step in that direction.

I want to mention a couple of things that this bill does in particular.

In the aftermath of the ICBM test, the first successful North Korean ICBM test, one of the most important challenges we face as a nation is ensuring that we have provided for the defense of this Nation with respect to missile defense. This bill adds \$2.5 billion above the administration's request for missile defense. It focuses on including additional interceptors for existing systems, as well as research for new technologies.

Total missile defense is still below the funding levels during the Bush administration. This bill is a very important first step, but, Mr. Speaker, we have got to do much more.

We also, in this bill, begin the process of providing the necessary additional resources and top line to begin to rebuild. We have not had a defense budget, Mr. Speaker, since 2011 that was based upon the Pentagon being able to assess the threats and telling us what we need to do to be able to defend against those threats.

We have now, because we are living under the Budget Control Act, had a Defense Department, instead, that has been obligated to fund at levels that are arbitrary and to cut at levels that are arbitrary. No nation can responsibly live under that system.

The next thing we have got to do is repeal the Budget Control Act. We have got to recognize that we have a huge and growing debt crisis, a huge fiscal crisis, but that crisis is not being driven by our defense budget. The Budget Control Act has been ineffective at getting at what we need to do in terms of reducing the debt. Instead, it has gutted our defense.

We are in a world today where the North Koreans, the Iranians, the Russians, the Chinese, ISIS, and al-Qaida are all continuing to make strides against us, Mr. Speaker.

One of the things that I am often asked as a new Member of this body is what has surprised me most in my time in Congress. I came to this body, Mr. Speaker, as somebody who has spent a lot of time focused on national security and defense issues, as someone who spent a large part of her career really invested in and studying and learning these issues, and I thought, Mr. Speaker, that I was relatively well informed about these issues.

I have been stunned, Mr. Speaker, as a member of the House Armed Services Committee, briefing after briefing after briefing, at the extent to which we have fallen so far behind. And I think it is critically important for my colleagues, Mr. Speaker, and for the American people to understand the extent to which our adversaries are, today, fielding and developing capabilities and systems against which we cannot, may not be able to defend.

Mr. Speaker, in closing, I want to read something that Ronald Reagan said back in 1982 on an issue when they were having similar issues and debates

and discussions about defense spending. He said: "Now, I realize that many well-meaning people deplore the expenditure of huge sums of money for military purposes at a time of economic hardship. Similar voices were heard in the 1930s, when economic conditions were far worse than anything we're experiencing today. But the result of heeding those voices then was a disastrous military imbalance that tempted the forces of tyranny and evil and plunged the world into a ruinous war. . . . We must never repeat that experience."

Mr. Speaker, I urge my colleagues to remember that weakness is provocative, that it is when we are strong that we are most able to protect ourselves and to defend ourselves, and we must learn the lessons of the past. Passing this rule and passing the underlying legislation, this National Defense Authorization Act, is the first step in that direction.

Mr. Speaker, I urge my colleagues to vote in the affirmative and to ensure that we do everything we can to defend our Nation and to make sure that we defend freedom for the next generation.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are here with H.R. 23 again discussing attempts to override State and Federal environmental law. The House and Senate negotiated additional pumping flexibility in last year's WIN Act. This group has stated for years that they just want a little additional flexibility in environmental law, which actually means weakening or eliminating environmental law. They ignore the damage this would cause to California's delta region, its families, and its farmers.

We heard last year that governments are set up for the benefit of the people, but this means all of the people, not just a few people at the expense of others.

The person nominated to Deputy Secretary at the Department of the Interior worked for Westlands Water District just last December. He would make decisions to pump more water to Westlands, the Nation's largest water district—a clear conflict of interest, and a clear threat to farmers and residents in the delta.

This is also a clear example of what is wrong with H.R. 23. It will negate environmental protections; it will hurt one region to benefit another; and it allows corruption to seep into the Federal Government.

Mr. Speaker, I urge Members to oppose H.R. 23 for these reasons.

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

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

Mr. Speaker, in April, President Trump and congressional Republicans rolled back the FCC's rule to protect Americans' personal information and

their internet browsing history. By doing so, they effectively sold personal privacy to the highest corporate bidder.

Today is Net Neutrality Day of Action, protesting the FCC's proposal to end equal access to online content, which would destroy the internet as we know it. What better day to also protect the future of our privacy by undoing the Republicans' reckless roll-back that placed cable profits above our privacy and consumer protections.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative ROSEN's Restoring American Privacy Act, H.R. 1868. This bill will restore Americans' privacy protections and tell internet service providers they can't sell their customers' personal information without the knowledge and consent of the customers.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, to discuss our proposal, I yield 5 minutes to the gentlewoman from Nevada (Ms. ROSEN).

Ms. ROSEN. Mr. Speaker, if today's vote on the previous question fails, instead of voting on a partisan bill that rolls back key environmental laws, overturns State law, and ignores real solutions to our water supply shortages in the West, we will have the opportunity to vote on my bill, H.R. 1868, the Restoring American Privacy Act of 2017.

This bipartisan legislation will reverse the President's decision to assign a disastrous resolution allowing internet providers to sell their customers' personal information without their acknowledgment or without their consent.

As a former computer programmer and someone who has firsthand experience writing code, I can tell you that the first step towards protecting vulnerable and sensitive data is to make sure it remains private.

S.J. Res. 34, which now, unfortunately, is the law, prevents vital online protections for millions of Americans nationwide from taking effect later this year. The resolution, signed by the President, negating FCC broadband consumer privacy rules is not only wrong and a blatant violation of privacy, but it jeopardizes Americans' personal data and puts them at risk of hacking.

The October 2016 rule was the only rule that required internet service providers to obtain consumers' permission before selling their private internet browsing history and other sensitive information, including geolocation and app usage.

I am simply shocked that most of my colleagues across the aisle voted for a

measure that violates Americans' privacy by selling our most intimate and personal information, all without our consent.

Repealing the FCC rule with S.J. Res. 34 now allows broadband providers to turn private personal information over to the highest bidder—or anybody they want, including the government—without a warrant and without ever telling you.

That is right. Without this rule that President Trump and most Republicans in Congress blocked, internet service providers don't need to ask for permission to collect and share sensitive personal information. Even worse, the passage of this resolution also told providers they no longer have to use reasonable measures to protect consumers' personal data.

This is absolutely unacceptable. We are living in a time where identity theft and internet hacking have become the new norm. Shortly after President Trump and Republicans repealed these consumer protections, we experienced a massive ransomware attack that caused major damage to businesses and companies around the world. No American wants their most personal information to be up for grabs.

By using the Congressional Review Act to eliminate this rule, the FCC is now prevented from publishing rules that are substantially the same absent additional legislation, establishing a dangerous precedent for private citizens.

Americans should have the right to decide how their internet providers use their personal information, especially since many people can't choose their own broadband provider.

What my bill does, Mr. Speaker, is simple. H.R. 1868 makes it clear that the American people's browsing histories are not for sale; the American people's personal information is not for sale; the American people's financial information is not for sale; and the American people's location data is not for sale.

It is a very simple concept, one that I hope my colleagues across the aisle will recognize and support. The American people don't want the legislation that was signed into law this last spring. In overwhelming numbers, they are calling Congress and letting it be known they want to keep their private information private.

I am proud to stand up for the American people, and I hope you take up the Restoring American Privacy Act of 2017 for consideration. This is common-sense, bipartisan legislation that will reverse a misguided resolution by saying, once and for all, that ISPs cannot sell customers' personal information without their knowledge and without their permission. This bill says that your privacy is not for sale, period.

□ 1315

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

I appreciate the gentlewoman's comments and concerns about protecting all of our privacy on the internet. I think we all should be about that. But instead of having a misguided and unauthorized regulatory action that left vast gaps in this system, we should have a comprehensive bill to deal with it. That bill is not before the House today.

What is before the House today in this rule are two bills: one that deals with the drought in the West, which is very important; and the second is provide for the safety and security of the American people. So that is what we are here today about.

I appreciate her concerns about that. I join with her, and I hope that we have a bill on this floor that comprehensively deals with the issues that she brought up, but now is not the time, these are not the bills, and this is not the rule to deal with it.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, first of all, I want to acknowledge the good work of Chairman THORNBERRY and Ranking Member SMITH in the Armed Services Committee. As my colleague from Alabama said, there is nothing more important than having a secure national defense to protect the American people.

But this bill does have problems. Many of them are not created by the Armed Services Committee. They are created by us in Congress.

It has been catastrophic for us to have the millstone of the Budget Control Act that is limiting the ability of Congress to make decisions about where to spend more or where to spend less, and two things are happening as a result of that.

Number one, we abdicate our responsibility. In some places we should be spending more, but in many other places we should be spending less.

The second thing, Mr. Speaker, is that we put in straitjackets our managers at the Pentagon and in other programs because we micromanage where they must spend money. If we are going to give them a challenge—the budget cap right now is \$549 billion; this bill suggests that we spend close to \$700 billion—we have got to give them managerial flexibility and stability.

The Budget Control Act is the "Budget Paralysis Act." That is on all of us here in Congress.

Now, a second thing, this bill, in that context, where we are going to blow through that cap but do nothing about our ability to make decisions on the taxes and spending, means that this gets cut totally out of domestic spending. In my view, General Mattis' view is that is bad for national defense.

We plus-up the Defense budget, but we take a hatchet to the State Department budget, not something that you

can address in the Armed Services bill, I understand. But the effect of it, as General Mattis said: We have to buy more bullets.

So this is a symptom of the problem that we have got to face squarely.

The other issue in this bill is that it hasn't given us a policy of what is our exit strategy in Afghanistan.

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

Mr. POLIS. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Vermont.

Mr. WELCH. What is our policy?

We are sleepwalking into an escalation. That has failed us before. We have to have that debate now.

Where is the money coming from?

\$150 billion is just going to magically appear. No discussion about that.

And this bill does not acknowledge the absolute vital importance of domestic and diplomatic programs to our national security.

I applaud the committee and the chairman and the ranking member for some very good work they did. I criticize us in Congress for putting the straitjacket on them so they can't do the job right.

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

I strongly agree with my colleague from Vermont's remarks regarding the Budget Control Act. It was passed for a good intention, but it has worked out quite differently from what people thought it was going to accomplish.

It is time for us to take responsibility, as the gentleman from Vermont said, and to do what we are supposed to do to make the priority decisions about what is important for America and what is not. Providing for the safety and security of the people of America, that is important. And if we have to make cuts in other parts of our budget to make sure we are doing that, first and foremost, I am happy to do it.

The gentleman is absolutely right about micromanagement. We have been micromanaging the people that we charge with defending America with how they are going to carry out combat responsibilities, particularly in the Middle East. President Trump, I think, quite rightly, has delegated many of those decisions down to Secretary Mattis so that our combatant commanders can make the decisions they have got to make as and when they need to make them.

I understand what he is saying about the State Department budget, something that we all should be concerned about. The appropriate time to talk about that is when the appropriations bill for the State Department is here, not when we are talking about the National Defense Authorization Act.

Finally, with regard to Afghanistan, which if I may make a little bit broader and talk about the Middle East in general, it is time for a new AUMF. The AUMFs that were passed in this Congress over 15 years ago were for a different time, with different circumstances altogether. And I do sense

a bipartisan urging for us to do that, but this is not the right time for us to do it on this particular piece of legislation.

I hope that at a future time the Foreign Affairs Committee, that has appropriate jurisdiction over that issue, will come forward with an AUMF that we can all discuss because we are now not just in Afghanistan and Iraq, we are in Syria, we are in Yemen, we are in Libya, we are in Somalia, where we have had some past history that is not so good.

We all—everybody, not just from the Armed Services Committee—need to understand these threats to our country and what we are going to do about them, have a strategy with a clear endgame, which we need and we haven't had for the last several years.

Then we should authorize it because only Congress has the power to declare war. We should authorize it. And by authorizing it, we not only take responsibility, but we communicate to our friends and our foes alike, and to those servicemen and -women who put themselves at risk out there that we are behind it. We, as the Representatives of the American people, are behind it. So I hope that we can do that, but it won't be in this particular bill.

Mr. Speaker, I appreciate the gentleman's remarks, and I reserve the balance of my time.

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

This bill has several other policies I want to address. For one, it ties our participation in the critical New START with Russia to a separate Europe-focused treaty that Russia is not in compliance with.

The New START is a nuclear arms reduction treaty between our Nation and Russia, and we should not remove ourselves from that, from an agreement that allows us to inspect and gather information about Russia's nuclear facilities.

In addition, this rule, if adopted, would fail to extend the Special Survivor Indemnity Allowance, causing it to expire in May of 2018. The Special Survivor Indemnity Allowance is a program that was originally created in the NDAA, and goes a long way to helping to mitigate the problems that recipients of the Defense Department's Survivor Benefit Plan face.

There are other provisions of this bill which I object to in their current form but are going to be debated through amendments very likely over the course of the next week. For instance, the bill currently prevents the transfer of any detainees at the Guantanamo Bay detention facility. This detention facility that is extralegal should be closed, not repopulated, and we certainly will have that debate this week.

This bill, unfortunately, also authorizes far too many funds and continues to overfund our nuclear weapons activities, costing taxpayers hundreds of billions of dollars, in fact, as much as \$1 trillion over the next 30 years, for a

stockpile of weapons that, even if substantially cut, would be enough to end life on the planet.

I testified before the Appropriations Subcommittee with regard to this matter and argued how can we possibly go before the taxpayers back home and say we need to overfund our nuclear arsenal to destroy the world seven times instead of five, or five times instead of three.

One would think that ending life on the planet once would be more than enough, and it is hard to argue from taxpayers that they should, in fact, pay for this planet's destruction multiple times.

We also continue to use force in our ongoing operations in Iraq, Syria, and elsewhere. I join my colleagues from the other side of the aisle in calling for an updated Authorization for Use of Military Force. To date, Congress has taken zero meaningful actions toward achieving that, yet we hear on this floor regularly from my friend from Alabama and others that Republicans and Democrats need to do that, especially before we put another soldier in harm's way.

That is the role of this body, and it is time to stop avoiding the task of writing an Authorization for Use of Military Force. Have that debate and make it happen.

These are the types of questions we should be debating, but instead we are continuing to avoid those and plunging our Nation deeper into debt without a real budget plan.

Instead of focusing on real questions about how to improve our defense, the general debate on this bill will largely focus on budget tricks. This debate on this budget should happen on the floor, in the Budget Committee, in a budget passed by this body.

One of the amendments I offered with my colleague, Ms. LEE, that we will be debating, would cut 1 percent of the money authorized in that bill. That would help. It would be a starting point. It would still be a spending level above the budget caps, but at least 1 percent in the record, reckless deficits from this Republican spending bill.

At some point we have to make decisions about tradeoffs, about the directions of our budgets, our entitlements, our discretionary, our revenues, our defense, and our nondefense. We can't resign ourselves to plunging future generations into further debt.

My amendment with Ms. LEE is a small, first step taking a stand against unsustainable budget levels that make our Nation less secure rather than more secure. It is the wrong way to do things. It is the wrong time to have this debate. I urge my colleagues to vote "no" on this rule so we can go back to the starting board and discuss the items that my Republican colleagues agree are important in terms of the use of the Authorization for Use of Military Force, ending the budget gimmicks, and figuring out how to balance the budget, rather than plunge our Nation deeper into debt.

Mr. Speaker, I urge my colleagues to vote "no," and I yield back the balance of my time.

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

If I may make sure that we are all clear about where we are on the START; the START runs through 2021. That is 4 years from now. What the bill says is that if we find that Russia is in violation of the INF Treaty—and there is some indication that that is true—that we wouldn't extend it beyond 2021. But that is 4 years from now.

So what does that mean?

This is a shot across the bow to Russia. We are telling Russia: If you continue to violate the INF Treaty, we are not going to extend with you on START.

This is telling them: We are not going to let you get away with this.

And I would think, at this point, after all that we have heard, we would want to stand up to Russia, and this is a very vital way to do that.

Secondly, about the GTMO issue that he brought up, there are two amendments made in order by this rule for us to discuss GTMO, and I believe we are going to have that debate tonight. Now, I don't agree with the amendments, but we made them in order so we can have that debate on this floor.

So we are going to debate GTMO. My prediction is that we are going to defeat both of those amendments, but the people on the other side of the aisle have been given a great opportunity to make their argument that we shouldn't do that.

Nukes. Why are we trying to modernize our nuclear force?

Because our adversaries are modernizing theirs, and if we don't, we are not doing the proper thing to protect the people of the United States.

And then the gentleman talks about the budget bills. Now, there is a budget bill coming. Now, the budget bill is for the next fiscal year, October 1, 2017. That is several weeks from now. We have got time to pass a budget for next fiscal year.

But the way we have everything set up here, we try to move these defense bills about this time of year so that we can do what we have got to do to make sure we have communicated to the military what they are going to have to do their jobs.

If I may walk briefly around the world to remind us about where we are. Kim Jong-un has continued to test missiles throughout last year and this year, and he is getting better. And what he seeks is not just to strike South Korea or Japan, he wants to strike America. That is why you have an ICBM if you are in North Korea.

We need to step up to the plate and do more in missile defense and more in other things to make sure we are doing everything we can to protect America from an attack from North Korea.

China wants to take control of the South China Sea and the East China Sea. What does that mean to us for America?

Forty percent of the trade in the world moves through those two oceans. The greatest population center in the world is right there. It is where we want to do more business, where people there want to do more business with us; and not having a robust military presence there means we cede that part of the world to China.

I guess we could pull back to where we were on December 6, 1941, when we didn't have a presence in Guam and Japan and South Korea and Singapore. Or we could take the understanding from what happened that terrible day on December 7, 1941, that we have to be thinking now for the challenge to us then and, by making those preparations and making sure we have the defense in place, we keep December 7, 1941, from happening again.

Then we have our good friends in Russia, as they push not only into Eastern Europe, but now into the Middle East. It used to be we thought that Russia was kind of off the table; you know, the Soviet Union collapsed; didn't have to worry about Russia anymore.

Russia is back. They are back in many different military ways, in their navy, in their missiles, and what they are doing with their armed forces, including the little green men in Ukraine. We need to take that threat seriously, as we haven't had to take it for years.

And then there is the Middle East. We know what is happening today in Mosul and in Raqqa. Perhaps ISIS is being pushed out of those places, but it is not disappearing. It is not going away as a threat, any more than al-Qaida has gone away as a threat. We still have terrorist groups like them and others who seek to do harm to the American people, whether it is over there or over here, and we have to provide for the defense against that.

Then there is Iran; Iran that, because of an ill-considered agreement reached with them by the Obama administration, now is on a path to get an ICBM of its own, which it doesn't need to strike Israel. It needs an ICBM to strike us.

□ 1330

Then they get as close as they want to under that agreement that we reached with them. Right up to the edge of violation, where they perfect their nuclear technology, they decide in a short period of time to violate it, put a nuclear weapon on one of those ICBMs and threaten us directly.

That and a host of other threats are what we are talking about in this bill. We have never faced such a complex set of threats since the end of World War II. It is not my word. It is the word of countless experts who have come before our committee.

We have to do this. The American people expect us to do this. Like many other people in this body, I do tele-townhalls. At my last two tele-townhalls, I have asked this open-ended

question: What is the most important issue to you?

We give them a broad range of issues to pick from: healthcare, tax reform, you name it. The number one issue in those two tele-townhalls, by far, for the people in my district was national security. They see what is happening in North Korea. They see what is happening in the Middle East. They know what Russia is up to. They are worried about China, and they want to know what we are doing.

This bill that this rule provides for does what we need to do to protect the American people. Mr. Speaker, I appreciate everything that I have heard today from my colleagues on both sides of the aisle because I know people on both sides of the aisle care a great deal about these issues.

Mr. Speaker, I urge my colleagues to support House Resolution 431 and the underlying bill.

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

AN AMENDMENT TO H. RES. 431 OFFERED BY
MR. POLIS

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

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1868) to provide that providers of broadband Internet access service shall be subject to the privacy rules adopted by the Federal Communications Commission on October 27, 2016. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1868.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House

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

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

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

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

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

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

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

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

FDA REAUTHORIZATION ACT OF
2017

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2430) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 2430

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 “FDA Reauthorization Act of 2017”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—FEES RELATING TO DRUGS

- Sec. 101. Short title; finding.
Sec. 102. Authority to assess and use drug fees.
Sec. 103. Reauthorization; reporting requirements.
Sec. 104. Sunset dates.
Sec. 105. Effective date.
Sec. 106. Savings clause.

TITLE II—FEES RELATING TO DEVICES

- Sec. 201. Short title; finding.
Sec. 202. Definitions.
Sec. 203. Authority to assess and use device fees.
Sec. 204. Reauthorization; reporting requirements.
Sec. 205. Conformity assessment pilot program.
Sec. 206. Reauthorization of review.
Sec. 207. Electronic format for submissions.
Sec. 208. Savings clause.
Sec. 209. Effective date.
Sec. 210. Sunset dates.

TITLE III—FEES RELATING TO GENERIC DRUGS

- Sec. 301. Short title; finding.
Sec. 302. Definitions.
Sec. 303. Authority to assess and use human generic drug fees.
Sec. 304. Reauthorization; reporting requirements.
Sec. 305. Sunset dates.
Sec. 306. Effective date.
Sec. 307. Savings clause.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

- Sec. 401. Short title; finding.
Sec. 402. Definitions.
Sec. 403. Authority to assess and use biosimilar fees.
Sec. 404. Reauthorization; reporting requirements.

- Sec. 405. Sunset dates.
Sec. 406. Effective date.
Sec. 407. Savings clause.

TITLE V—PEDIATRIC DRUGS AND DEVICES

- Sec. 501. Best pharmaceuticals for children.
Sec. 502. Pediatric devices.
Sec. 503. Early meeting on pediatric study plan.
Sec. 504. Development of drugs and biological products for pediatric cancers.
Sec. 505. Additional provisions on development of drugs and biological products for pediatric use.

TITLE VI—REAUTHORIZATIONS AND IMPROVEMENTS RELATED TO DRUGS

- Sec. 601. Reauthorization of provision relating to exclusivity of certain drugs containing single enantiomers.
Sec. 602. Reauthorization of the critical path public-private partnerships.
Sec. 603. Reauthorization of orphan grants program.
Sec. 604. Protecting and strengthening the drug supply chain.
Sec. 605. Patient experience data.
Sec. 606. Communication plans.
Sec. 607. Orphan drugs.
Sec. 608. Pediatric information added to labeling.
Sec. 609. Sense of Congress on lowering the cost of prescription drugs.
Sec. 610. Expanded access.
Sec. 611. Tropical disease product application.

TITLE VII—DEVICE INSPECTION AND REGULATORY IMPROVEMENTS

- Sec. 701. Risk-based inspections for devices.
Sec. 702. Improvements to inspections process for device establishments.
Sec. 703. Reauthorization of inspection program.
Sec. 704. Certificates to foreign governments for devices.
Sec. 705. Facilitating international harmonization.
Sec. 706. Fostering innovation in medical imaging.
Sec. 707. Risk-based classification of accessories.
Sec. 708. Device pilot projects.
Sec. 709. Regulation of over-the-counter hearing aids.
Sec. 710. Report on servicing of devices.

TITLE VIII—IMPROVING GENERIC DRUG ACCESS

- Sec. 801. Priority review of generic drugs.
Sec. 802. Enhancing regulatory transparency to enhance generic competition.
Sec. 803. Competitive generic therapies.
Sec. 804. Accurate information about drugs with limited competition.
Sec. 805. Suitability petitions.
Sec. 806. Inspections.
Sec. 807. Reporting on pending generic drug applications and priority review applications.
Sec. 808. Incentivizing competitive generic drug development.
Sec. 809. GAO study of issues regarding first cycle approvals of generic medicines.

TITLE IX—ADDITIONAL PROVISIONS

- Sec. 901. Technical corrections.
Sec. 902. Annual report on inspections.
Sec. 903. Streamlining and improving consistency in performance reporting.
Sec. 904. Analysis of use of funds.
Sec. 905. Facilities management.

TITLE I—FEES RELATING TO DRUGS

SEC. 101. SHORT TITLE; FINDING.

(a) **SHORT TITLE.**—This title may be cited as the “Prescription Drug User Fee Amendments of 2017”.

(b) **FINDING.**—The Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 102. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) **TYPES OF FEES.**—

(1) **IN GENERAL.**—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2013” and inserting “fiscal year 2018”;

(B) in the heading of paragraph (1), by striking “AND SUPPLEMENT”;

(C) in paragraph (1), by striking “or a supplement” and “or supplement” each place either appears;

(D) in paragraph (1)(A)—

(i) in clause (i), by striking “(c)(4)” and inserting “(c)(5)”;

(ii) in clause (ii), by striking “A fee established” and all that follows through “are required.” and inserting the following: “A fee established under subsection (c)(5) for a human drug application for which clinical data (other than bioavailability or bioequivalence studies) with respect to safety or effectiveness are not required for approval.”;

(E) in the heading of paragraph (1)(C), by striking “OR SUPPLEMENT”;

(F) in paragraph (1)(F)—

(i) in the heading, by striking “OR INDICATION”;

(ii) by striking the second sentence;

(G) by striking paragraph (2) (relating to a prescription drug establishment fee);

(H) by redesignating paragraph (3) as paragraph (2);

(I) in the heading of paragraph (2), as so redesignated, by striking “PRESCRIPTION DRUG PRODUCT FEE” and inserting “PRESCRIPTION DRUG PROGRAM FEE”;

(J) in subparagraph (A) of such paragraph (2), by amending the first sentence to read as follows: “Except as provided in subparagraphs (B) and (C), each person who is named as the applicant in a human drug application, and who, after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall pay the annual prescription drug program fee established for a fiscal year under subsection (c)(5) for each prescription drug product that is identified in such a human drug application approved as of October 1 of such fiscal year.”;

(K) in subparagraph (B) of such paragraph (2)—

(i) in the heading of subparagraph (B), by inserting after “EXCEPTION” the following: “FOR CERTAIN PRESCRIPTION DRUG PRODUCTS”;

and

(ii) by striking “A prescription drug product shall not be assessed a fee” and inserting “A prescription drug program fee shall not be assessed for a prescription drug product”;

and

(L) by adding at the end of such paragraph (2) the following:

“(C) **LIMITATION.**—A person who is named as the applicant in an approved human drug application shall not be assessed more than 5 prescription drug program fees for a fiscal