United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, TUESDAY, SEPTEMBER 27, 2016 *No. 146*

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 27, 2016.

I hereby appoint the Honorable BRADLEY BYRNE to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2016, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

HYDE AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of every woman in our country and her right to make her own healthcare decisions in consultation with her doctors.

Women should be free to make those most personal of decisions without the interference of politicians and, specifically, without the interference of the Hyde amendment.

The Hyde amendment is an insidious and antiwomen's healthcare provision that, in its 40 years of existence, has pushed safe and legal abortions out of the reach of women at the lowest ends of our socioeconomic ladder. It overwhelmingly affects women of color, immigrants, and young women.

Instead of lifting up our middle class and working families, Republican politicians have built roadblocks at every corner through the Hyde amendment and countless other restrictions on women's health care. It is long past time for us to remove it from Federal law, and I am proud to be a cosponsor of the EACH Woman Act, which would do just that.

STOP THE CLEAN POWER PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, right now, down the street at the U.S. Court of Appeals for the District of Columbia Circuit, our very own West Virginia attorney general, Patrick Morrisey, is arguing against the unconstitutional coal and job-killing plan known as the Clean Power Plan.

Time and again, President Obama has put radical leftwing environmentalists ahead of hardworking Americans. Obama's so-called Clean Power Plan is no different. This plan is a laundry list of unnecessary environmental restrictions that will increase energy costs and put even more Americans out of work.

In West Virginia, we rely on coal for over 90 percent of our power generation. This regulation will shut down our power plants, kill our coal jobs, and dramatically raise home energy prices for West Virginians.

I have been working at a Federal level to help put a stop to these job-killing policies. Last year, I sent a letter to Governor Tomblin, along with Representatives MCKINLEY and JENKINS of West Virginia, urging him not to comply with the Clean Power Plan. Under the plan, States are forced to come up with a State Implementation Plan to reduce greenhouse gas emissions on a timeline that would be very harmful to our State.

This January, my first bill to pass the U.S. House of Representatives was aimed at putting a stop to the stream protection rule. When the rewrite of the rule was first proposed by the Office of Surface Mining, or OSM, they described it as a ''minor'' regulation that would only impact one coal region. However, the proposed stream protection rule contains sweeping changes that amount to modifying or amending 475 existing rules. The proposed rule would destroy up to 77,000 coal mining jobs nationwide, including up to 52,000 in the Appalachian region.

My bill, H.R. 1644, the Supporting Transparent Regulatory and Environmental Actions in Mining Act, simply requires a study to be completed to determine if the rules governing mining need to be updated or changed. It calls for all scientific data used in rulemaking to be made publicly available and prevents the Office of Surface Mining from overstepping their regulatory role in implementing Clean Water Act provisions.

When I campaigned to represent the people of the Second Congressional District of West Virginia in Congress, I promised that I would fight for the coal industry and the hard workers of our State. West Virginia and our country need the Clean Power Plan to be stopped indefinitely before more damage to the coal industry is done.

DANGEROUS, CHILLING EFFECT OF REPUBLICAN SELECT PANEL

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

Ms. SCHAKOWSKY. Mr. Speaker, last week, Republicans on the panel they call the Select Investigative Panel on Infant Lives, which we call the Select Panel to Attack Women's Health, voted to recommend criminal contempt against a small biotech company and its owner and also release publicly the name of a doctor who has been interviewed privately by that panel. These actions are a disgrace to the House.

Over the past year, the select panel Republicans have abused congressional authority to harass, intimidate, and bully doctors and researchers, with the ultimate goal of driving companies away from fetal tissue research and ending lifesaving research. They have done this largely out of the public view and, ironically, at the same time that Chair BLACKBURN and other leading Republicans profess support for researchers and for funding 21st century cures.

Tragically, their stealth campaign against lifesaving research is working. One tissue procurement company informed the panel that: ''Due in large part to the costs borne from having to respond to these congressional inquiries, our client is no longer doing business.''

The University of California at Los Angeles told us that ''recent national events have increased the challenge of obtaining the fetal tissues'' needed for ongoing research. The negative publicity about fetal tissue research also delayed publication of a study whose findings have the potential to impact ''development of therapies for HIV, cancer, multiple sclerosis, asthma, and organ transplant rejection.''

UCLA went on to explain that one lab ''has reduced their effort on studies that require fetal tissues, despite the importance of this research, due to concerns about personal safety.''

Rockefeller University similarly told the panel that there is now ''a paucity of sources from which to obtain human fetal tissue, creating roadblocks to the conduct of important biomedical research'' and that one laboratory is ''currently unavailable to perform research that it hopes will lead to cures for human disease.''

Other researchers have reported that promising studies and clinical trials for neurological conditions, such as MS and Alzheimer's disease, have been halted or delayed due to reduced availability of fetal tissue for research. Other leading institutions, including Harvard, the Yale School of Medicine, and the University of Minnesota, have confirmed the importance of fetal tissue as a tool for understanding and treating diseases and conditions that impact millions of Americans.

The Republican attacks on this research are particularly troubling as scientists race to understand how the Zika virus impacts fetal brain development. A leading association of research scientists has explained that ''the use of donated fetal tissue, including placental tissue, has provided the best understanding of how Zika viruses behave in the body.'' These insights ''are already guiding the development of drugs that may protect the unborn baby from the ravages of the Zika virus.''

The Republican select panel's dangerous witch hunt has put this lifesaving research at risk. It is also endangering individual lives.

Last Monday, Chair BLACKBURN publicly released the name of a healthcare provider who was privately interviewed by the panel. This doctor has already been the target of harassment and threats and repeatedly asked the panel to safeguard her identity. Just last week, her lawyer informed Chair BLACKBURN that her university had to increase security as a result of a prior leak of information by panel Republicans. Even knowing this, they released her name.

This has gone on long enough. We are elected officials. It is our opportunity and responsibility to make things better for the people we serve. That privilege and the power that accompanies it should not be abused. This select panel should be brought to an immediate end.

Mr. Speaker, I include in the RECORD letters from the University of California at Los Angeles, Rockefeller University, and from university counsel regarding the danger that panel Republicans have created for this doctor and her students.

UNIVERSITY OF CALIFORNIA,
Los Angeles, CA, September 19, 2016.

Hon. JAN SCHAKOWSKY,
Ranking Member, Select Investigative Panel on Infant Lives, Energy and Commerce Committee, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SCHAKOWSKY: On behalf of the University of California, Los Angeles (''UCLA''), I have attached UCLA's response to your letter of July 28, 2016, requesting that UCLA provide the Select Investigative Panel on Infant Lives with information to better understand the importance of and risk to fetal tissue research.

UCLA conducts research using fetal tissue that is vital to an understanding of human biology and to efforts directed toward new treatments for a wide variety of adult and childhood diseases and medical conditions. Our research is conducted in full compliance with federal and state law and in accordance with our tripartite mission of education, research, and public service. The information provided below answers the five specific requests made in your letter.

Please note that UCLA has omitted identifying information from the enclosed documents based on concerns for the safety and security of individuals conducting research. Should you have any questions regarding this response, please contact me.

Sincerely,
UCLA HEALTH/DAVID GEFFEN SCHOOL OF MEDICINE.

1. PAST BENEFITS OF FETAL TISSUE RESEARCH.

Since the 1930's, fetal tissue has been used in a broad range of research that has led to lifesaving discoveries. The Association of American Medical Colleges (AAMC), of which UCLA is a member, has previously noted that human fetal tissue research has been critical in establishing permanent cell lines for use in vaccine research for diseases such as polio, hepatitis A, measles, mumps, rubella, chickenpox, and rabies. These established cell lines are currently being used to develop an Ebola vaccine.

Fetal tissue proved to be necessary for the production of consumer vaccines against measles, rubella, rabies, chicken pox, shingles and hepatitis A. According to the journal Nature, at least 5.8 billion vaccine doses have been derived from fetal tissue lines.

2. POTENTIAL FUTURE BENEFITS THAT MIGHT BE GAINED THROUGH CONTINUED FETAL RESEARCH

Biomedical research continues to benefit from the use of new fetal tissue. According to the U.S. Department of Health and Human Services, ''fetal tissue continues to be a critical resource for important efforts such as research on degenerative eye disease, human development disorders such as Down syndrome, and infectious diseases, among a host of other diseases.''

As noted in the journal Nature, ''In the past 25 years, fetal cell lines have been used in a roster of medical advances, including the production of a blockbuster arthritis drug and therapeutic proteins that fight cystic fibrosis and hemophilia.'' Yet, existing fetal material and cell lines ''. . . are of limited use for scientists because they do not faithfully mimic native tissue and represent only a subset of cell types. . . . The lines can also accumulate mutations after replicating in vitro over time.'' New fetal material is critical if we are to continue to pursue vaccines for HIV and other diseases as well as create treatments and cures for devastating illnesses such as Parkinson's and Alzheimer's Disease, blinding eye disorders such a macular degeneration, diabetes, and schizophrenia.

Our response to question 4 below cites a diverse range of diseases being studied by UCLA laboratories whose research requires the use of fetal tissues. These research activities are critical for the development of new therapies for the treatment of these diseases.

3. UNIQUE ASPECTS OF FETAL TISSUE IN RESEARCH, IN COMPARISON WITH ADULT CELLS OR OTHER CELLULAR ORGANISMS THAT MIGHT BE USED FOR RESEARCH PURPOSES

As described in the following summary of research performed in UCLA laboratories (response to question 4), human fetal tissues are critical for current and future research activities for multiple reasons. First, human fetal tissues exhibit biological properties that are distinct from those of tissues derived from children or adults, and these properties, often related to an enhanced capacity for growth and regeneration, can be highly desirable for the development of novel therapies. It therefore is critical to understand the unique properties of fetal tissues, which can be accomplished only through a direct analysis. Some therapies under development would require the direct use of fetal cells, such as recent clinical trials using fetal neural cells to treat patients with spinal cord injury or Parkinson's Disease. Most therapies, however, will emerge from the study of fetal tissues rather than directly including the cells in the ultimate drug product.

Second, the direct study of human fetal tissues is essential for an understanding of human development. This understanding is necessary for the advancement of fundamental biology, for the pursuit of therapies for the treatment of developmental diseases, such as Down syndrome and the microcephaly associated with Zika virus infection, and for the pursuit of therapies for the treatment of many other diseases that have been linked to developmental defects, including several cancers.

Third, human fetal tissues are critical for the establishment of mouse models for the

study of human diseases and for the testing of potential new drugs and other therapies. For example, rodents are highly valuable for biomedical research, but they are inadequate for many studies of human disease and for the advanced testing of new therapies (e.g. HIV does not infect rodent cells). To circumvent the limitations of rodents, human fetal tissues can be implanted into immunocompromised mice, thereby generating an invaluable model system for studies that require the use of a living animal, such as the testing of new drugs. Importantly, human fetal tissues are essential for the establishment of these models due to their unique properties in comparison to tissues from children and adults.

4. SUMMARY OF ANY RESEARCH CONDUCTED SINCE 2010 THAT UCLA HAS BEEN INVOLVED IN THAT USED FETAL TISSUE OR RELIED UPON OTHER STUDIES THAT USED FETAL TISSUE

Research laboratories at UCLA studying a wide array of human diseases have used fetal tissues for their medical research projects since 2010. A survey of these researchers resulted in a consistent response that the use of fetal tissues has been, and will continue to be, essential for progress in their fields. While much remains to be learned about the specific properties of fetal tissues, it has been well-established that their properties are distinct from those of adult tissues. Fetal cells often differ from other cells because the fetal cells need to support the rapid growth and maturation of the tissue during fetal and neonatal development; in contrast, the functions of cells from children and adults are usually restricted to maintenance of the physiological functions of the tissue. An understanding of the unique properties of fetal cells and tissues is likely to be of great value for the development of new treatments for a number of devastating human diseases.

We provide here a summary of seven representative research efforts at UCLA that rely on fetal tissues and for which the research is strongly dependent on continued availability of fetal tissue

CANCER: One project focuses on an effort to improve the treatment of a form of lymphocyte leukemia in young children. Although the survival rate of these patients has improved dramatically, approximately 15% of pediatric patients with the most aggressive forms of the leukemia continue to die. A growing body of evidence suggests that these fatal leukemias may be unusually aggressive because they emerged from a unique type of B cell progenitor (B cells are white blood cells that secrete antibodies) generated only during fetal development. Research recently completed at UCLA has shown that the genetic regulation of fetal and adult B cell development is distinct. The aim of the ongoing research is to identify genes expressed only in fetal B-cell progenitors that contribute to the development of the aggressive forms of leukemia observed in young children.

IMMUNITY: Another UCLA research laboratory is immersed in an analysis of fetal T cells, another important type of white blood cell generated in the thymus. A primary goal of this laboratory is to develop improved strategies for rejuvenation of the immune system in cancer patients and in HIV patients whose immune systems have been compromised by chronic virus infection. Human fetal T cell progenitors have been found to be completely different from progenitors found in children and adults in their ability to rejuvenate the immune system. This laboratory has been performing detailed comparisons of the molecular properties of the fetal and adult cells in an effort to understand how to speed up immune system rejuvenation and make the immune system healthier.

As exemplified above, one general reason several UCLA laboratories rely on fetal tissues for their research is that an examination of the properties of the fetal tissues is needed to understand how they differ from older tissues and from tissues derived from induced pluripotent stem cells (iPSCs). iPSC are cells with embryonic stem cell like properties that can be generated from a patient's own skin cells (by a method developed less than 10 years ago), and then matured into any of a wide variety of human tissues; these cells hold great promise for the treatment of many degenerative and chronic diseases. One goal of the researchers is to engineer adult cells and iPSC to possess the unique, beneficial properties of fetal cells. This goal can be achieved only if the molecular features of the fetal cells have been clearly defined.

LUNG DISEASES: A UCLA laboratory is pursuing new treatments for a form of lung disease in infants. A long-term goal is to treat this disease by generating iPSC from a patient and then converting the iPSC into therapeutic lung cells. The ultimate therapy would not require the use of fetal cells. However, successful development of the therapy depends on an understanding of the unique properties of fetal lung cells, which have been found by the UCLA laboratory to grow and divide far more robustly than comparable cells from children or adults. The laboratory has developed a disease model that is being used to understand the unusual growth properties of he fetal cells and how these properties can be harnessed for therapeutic benefit.

GENETIC AND MUSCLE DISORDERS: Another UCLA laboratory studies diseases of muscle, including muscular dystrophy, toward the goal of regenerating functional muscle in patients. Similar to the findings with fetal lung, this laboratory has found that the regenerative capacity of human fetal muscle cells greatly exceeds that of older muscle satellite cells. Recent studies of the underlying mechanisms have revealed possible molecular explanations for the differences between the fetal cells and older cells. This professor considers fetal muscle cells to be the ''gold standard'' for all efforts to develop therapies for degenerative muscle diseases, due to the powerful and unique regenerative properties of these cells. Quite simply, for an understanding of the important differences between fetal muscle cells and older muscle cells, which are critical for the development of novel therapies, there is no alternative to the ability to analyze the fetal tissues themselves. It is also noteworthy that several of these studies are moving rapidly toward clinical trials, which necessitates the focus on human cells rather than rodent models.

HIV: Another reason several researchers rely on the availability of fetal tissues is that the fetal tissues can be used to create mice implanted with a specific human tissue, thereby providing an animal model in which potential therapies for the treatment of diseases of that human tissue can be tested. Such mice can eliminate the need for the testing of therapies in non-human primates, and are often preferable to studies of non-human primates because they allow the direct study of human cells.

Some UCLA laboratories use mice containing a human immune system for their studies of potential HIV therapies. These mice, which can be generated successfully only with the use of human fetal cells, are extremely important for progress of the HIV field, as HIV does not infect rodent cells. Currently, these mice are being used to study gene therapy approaches for the treatment of HIV infection, with the studies leading rapidly toward clinical trials.

BRAIN/SPINAL CORE INJURY: Human fetal tissues are also of great value for studies of the unique structure of the human brain, which is dramatically different from that of the mouse brain. UCLA research has used human embryonic stem cell lines to generate brain organoids (collections of neuronal cells that self-assemble into structures that resemble small portions of the brain). A comparison to fetal brain tissue is essential for the researchers to evaluate the validity of their organoid method, which is currently being used to understand developmental diseases of the brain, as well as the impact of Zika virus on brain development. The laboratory hopes to use this model to screen for drugs that may protect the fetal brain from the growth impairment caused by Zika virus infection. This same laboratory is also studying strategies for the generation of spinal cord neurons in the laboratory, for use in determining the underlying causes of neurodegenerative diseases, such as spinal muscular atrophy and amyotrophic lateral sclerosis, and for screening for drugs that could slow disease progression and extend patient lifespan.

INFERTILITY: The final UCLA laboratory discussed in this report uses fetal tissues for studies aimed at the diagnosis and treatment of human infertility. State-of-the-art genomics methods are being used to develop reference maps of germ cells and of fertilized eggs at the earliest stages of embryonic development. One goal of these studies is to better understand the reasons for spontaneous miscarriages. These studies are strongly dependent on human fetal tissues because early embryonic development in mice differs substantially from that in humans. The reference maps being developed by this laboratory are also of great importance for the study of germ cell cancers.

5. DESCRIPTION OF ANY RECENT CHANGES EXPERIENCED BY UCLA IN THE AVAILABILITY OF FETAL TISSUE FOR RESEARCH AND THE RELATED IMPACT OF THESE CHANGES, INCLUDING WHETHER OR NOT THERE HAVE BEEN INTERRUPTIONS AND/OR DELAYS IN RESEARCH AS A RESULT.

Most UCLA researchers surveyed emphasized that recent national events have increased the challenge of obtaining the fetal tissues required for the research projects described above. One reputable company was forced to close due to legal expenses associated with challenges to its operations. This has delayed important studies and has forced laboratories to spend a considerable amount of time and resources searching for alternative suppliers. One laboratory has identified a reliable source of fetal tissues in Germany. Another laboratory has reduced their effort on studies that require fetal tissues, despite the importance of this research, due to concerns about personal safety. Of further note, recent publicity surrounding the procurement of fetal tissue delayed publication of a manuscript submitted by UCLA investigators to a renowned journal by more than seven months. The findings reported in that study have the potential to impact the development of therapies for HIV, cancer, multiple sclerosis, asthma, and organ transplant rejection.

THE ROCKEFELLER UNIVERSITY,
New York, New York, September 21, 2016.

Hon. JAN SCHAKOWSKY,
Ranking Member, Select Investigative Panel, House of Representatives, Committee on Energy and Commerce, Washington, DC.

DEAR CONGRESSWOMAN SCHAKOWSKY: The Rockefeller University offers our response to your request for information regarding the importance and availability of fetal tissue as a critical resource in aspects of our scientific

research. We set forth below your concerns and our responses.

PAST BENEFITS OF FETAL TISSUE RESEARCH

Human fetal cells and tissues have had a decisive and major impact on our current understanding of the molecular and cellular origins of human organs and tissues. Human fetal tissues have allowed researchers to explore and understand the biology and uniqueness of human development. This knowledge has translated into the rational design of both treatment and prevention of numerous human diseases and has saved innumerable human lives.

Fetal tissue has contributed directly to the improvement of child and adult human health. In the 1960s, cell lines derived from fetal tissue were used to manufacture vaccines including those that counter measles, rubella, rabies, chicken pox, shingles and hepatitis A, cumulatively saving millions of lives. The rubella vaccine alone eliminates 5,000 miscarriages each year.

Fetal tissue has been used to uncover disease pathways that overlap with natural developmental processes and may guide development of therapeutic treatments for heart disease. Fetal cell lines have been used in medical advances for the production of pharmaceuticals, including an arthritis drug and therapeutic proteins that fight cystic fibrosis and hemophilia. Every indication emphatically supports the notion that further understanding of degenerative diseases such as Alzheimer's, Huntington's, and a host of other devastating and as yet incurable conditions, depend specifically on access to fetal tissue.

Ongoing fetal tissue research is critical for continued advances in regenerative medicine, including organ/tissue regeneration of heart, liver, pancreas, lung, muscle, skin, and more, holding out hope for a wide variety of therapeutic discoveries.

Human tissue-based models for studying uniquely human viral diseases are important for understanding mechanisms of disease progression and developing preventive measures and therapies. Fetal tissue has been used to build increasingly complex models of human disease. A single human fetal liver yields material sufficient to produce dozens of humanized mice. Certain human viruses are severely host-range restricted, meaning they infect humans and no other animals. Fetal tissues are essential for production of humanized mice that can be used in learning about such uniquely human conditions.

POTENTIAL FUTURE BENEFITS THAT MIGHT BE GAINED THROUGH CONTINUED FETAL TISSUE RESEARCH

Future benefits of fetal tissue research will include the enhancement of our basic knowledge of human development. It will inevitably impact clinical approaches and provide new means to address currently incurable diseases by providing new technological platforms. Scientists have used information gleaned from studies of motor neuron development to guide stem cells to become neurons and establish stem cell-derived models of Amyotrophic Lateral Sclerosis, a currently untreatable and fatal disease. These models have allowed researchers to develop new drugs that already are being used in clinical trials to treat ALS. Another of the most promising novel technical platforms in regenerative medicine is using cell-based therapy strategies to replace defective organs rather than attempting to repair the diseased tissue.

For some conditions, potential future benefits must be gained by human fetal tissue research. Certain humanized mice can be produced best with human fetal tissues. Such mice are unique in their ability to support long term infection, thus allowing evaluation of therapies aimed at finding cures.

It is increasingly important to study infection, disease mechanisms and antiviral interventions in human cells. Fetal tissue provides a rich source of stem cells for studies in cell culture and also engraftment into small animals that can then be used to model infection, disease progression and test therapies. These provide valuable preclinical models that increase the chances of success before progressing to human clinical trials.

Investigators continue to mine existing gene expression information from fetal tissue samples in order to understand gene function and growth-regulating pathways encountered in normal versus tumor samples. Much that applies to cancer can be learned from gene expression analysis in organ development.

Wide ranges of adult diseases and disorders have their origin during very early human development. Examples include types 1 and 2 diabetes, schizophrenia, and Huntington's disease. Knowledge of how the human fetus generates discrete organs will provide the blueprint for applying human embryonic stem cells for the generation of specific organs used for supportive and regenerative medicine.

UNIQUE ASPECTS OF FETAL TISSUE IN RESEARCH

Neither adult stem cells, nor reprogrammed somatic cells approach the versatility and quality of the natural stem cells derived from the fetus which remains the best resource for regenerative medicine. Model organisms, from the fruit fly to rodents, unfortunately cannot fully model human diseases.

We are aware of how many times promising solutions for diabetes, cancer, and neurodegenerative diseases have been shown to cure the mouse or rat but fail when tested in humans. The human neocortex, for example, contains cells and anatomy that are specifically human, and not found even in other primates. Fetal tissue provides a unique source of human cells that have the potential to be used directly or engrafted into immunodeficient animals. Human fetal tissue offers an important and unique resource for basic and medical research. There is no comparable substitute for fetal tissue for the accurate understanding of human development.

The adult immune system is ''educated'' to reject animal hosts, complicating the creation and production of animal models with humanized immune systems. In contrast to the adult, fetal immune cells have not yet been educated and therefore do not recognize the host as foreign. As a result, fetal tissues do not reject the host but rather are engrafted, leading to a chimera that is composed of mouse tissues and human immune cells. These mice are uniquely suited to finding cures through research.

Modern technologies have opened the door to studying the cellular interplay in complex human tissues during their development, normal, and disease states, as well as in aging. From single-cell expression analysis of fetal tissue, a great deal about intracellular communication can be learned that will increase our understanding of how normal as well as malignant growth is governed, and how therapeutic interventions may take advantage of these molecular programs.

RECENT CHANGES EXPERIENCED IN THE AVAILABILITY OF FETAL TISSUE FOR RESEARCH

Currently, there is a paucity of sources from which to obtain human fetal tissue, creating roadblocks to the conduct of important biomedical research. Entities that previously provided the sources of human fetal tissue have either closed, due to external pressure, or currently offer more limited options than previously proffered.

Laboratories have experienced significant difficulties in securing fetal tissue for research. One lab reported: We used to receive fetal tissue once or more every week. Over the past year, the supply of fetal tissue has dwindled and become increasingly unavailable and unreliable—to the point where we can no longer depend on this important resource for our studies.

Another lab despaired: In the past, our laboratory was able to obtain fetal tissues nearly every week. For the last several months, we have been unable to obtain any fetal tissue. Humanized mouse production has come to a standstill, and we are currently unable to perform research that we hope will lead to cures for human disease.

Thank you for your interest in our research and the challenges it faces. I hope you find the information provided here responsive to your questions.

MCDERMOTT WILL & EMERY,
September 20, 2016.

Re Proposed Disclosure of Code Name Dr. Administrator's Deposition Transcript.

Hon. MARSHA BLACKBURN, *Chairman,*
Hon. JAN SCHAKOWSKY, *Ranking Member,*
House Select Panel on Infant Lives,
Washington, DC.

DEAR CHAIRMAN BLACKBURN: I am writing today on behalf of my client, the University of New Mexico (''UNM'') with regard to the notice posted by the Select Panel on its website last night of a business meeting on September 21, 2016. The Select Panel has proposed the meeting to consider, among other items, a resolution to release of the deposition transcript of UNM's doctor, code name: Dr. Administrator, who you publicly named in your online notice.

UNM objects to a vote to release the transcript at this time. The Select Panel would violate its own rules if it released the deposition transcript without having afforded the witness or counsel to review the transcript as required by the governing deposition regulations. *See* 161 Cong. Rec. E21–01 ¶18 (''If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chair.'') In fact, UNM counsel addressed this very issue with the Select Panel majority staff by email as recently as September 12, 2016 and offered to review the transcript in the Select Panel's office and at staff's convenience. See email from UNM Counsel, at Attachment 1. Majority staff never responded to this offer.

UNM continues to have grave concerns about the Select Panel Majority's repeated, intentional public disclosure of the names of its doctors, first in the Interim Report from July 2016, and again in the notice published on the Select Panel's website on September 19, 2016. UNM has asked repeatedly for over six months for assurances that the Select Panel would not disclose the names of its doctors or staff, who UNM has shown are in grave danger of harassment or worse by extremists who oppose their profession. One UNM doctor gave sworn testimony detailing the harassment and threats that this doctor and others have already received, both at their homes and at work. She laid out for the members of the Panel in her deposition why her name and the names of other doctors and staff should not be disclosed. She described the real fear these doctors carry with them each day. At various points your staff provided assurances to UNM counsel that they would take measures to protect the privacy and safety of UNM staff. The most recent and totally unnecessary online publication of a UNM doctor's name directly contravenes all of these assurances.

From the very beginning of this inquiry, UNM has expressed its well-grounded concerns regarding the safety and well-being of its students, faculty and staff. The potential for harm to these individuals is real and demonstrable. This is evidenced by the deadly attack at a Planned Parenthood clinic in Colorado last year—an attack where the assailant killed, among others, a police officer—as well as the specific death threats recently received by individuals connected to the procurement of fetal tissue. One of those death threats prompted an investigation by the FBI, and the arrest of an individual who made that specific threat. Counsel to UNM expressed these specific concerns repeatedly in correspondence to the Select Panel on January 29, February 16, February 19, March 3, April 11, and May 19 of 2016, and in various email correspondence.

The repeated public disclosure of these names demonstrates a knowing and intentional disregard for the safety of UNM personnel by the Select Panel Majority, who has been on notice since January 2016 of the charged environment surrounding these professionals and the potential danger they face. Going forward, the members of the Select Panel who vote in favor of this resolution to release the deposition transcript will personally bear responsibility for any harm that comes to these individuals.

UNM requests that if the Select Panel adopts a resolution to release the transcript, whether prematurely in violation of its rules or after UNM has had a chance to review it, that the Select Panel redact the UNM doctor's name from the transcript. The fact that the Select Panel has previously published the doctor's name does not excuse it from an ongoing obligation to avoid endangering UNM staff. Secondly, UNM requests that the Select Panel postpones the disclosure of the transcript by a minimum of a week so that UNM can work with local law enforcement and campus security to put additional security measures in place to protect students and staff.

Sincerely,

STEPHEN M. RYAN.

MINERS' PENSIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. JENKINS) for 5 minutes.

Mr. JENKINS of West Virginia. Mr. Speaker, thousands of retirees and widows in my district and coal States across the country are worried about making ends meet. They are wondering if the promises made to them will be kept. They want to know if Congress will act to preserve the pensions and healthcare benefits they worked hard to earn.

Mr. Speaker, our coal miners and their widows deserve the pensions and benefits they were promised. However, the funds for these vital programs are running out—and time is running out to fix these critical issues.

We have a solution. In the House, it is called the Coal Healthcare and Pensions Protection Act, legislation I proudly cosponsored, along with ALEX MOONEY of the Second Congressional District of West Virginia. This legislation was introduced by our fellow West Virginian, Congressman DAVID MCKINLEY. A companion bill has also been introduced in the Senate.

I want to share the words of a West Virginian who watched her father spend 30 years in the mines. Sherri Armstrong of Boone County wrote me, urging Congress to protect the benefits that her father had earned. She said her dad worked every shift available and counted every penny he earned. He took pride in his job, but his future is now in jeopardy. Here is what she wrote:

For decades, their work provided for their communities, State, and Nation. If something is not done, and their benefits not protected, many of these people will be forced to either return to the workforce or to lose all they worked for and depend on public assistance to sustain them their remaining days.

Our coal miners made this country what it is today. They mined the coal that made the steel that built the skyscrapers and won world wars. These miners and their families deserve no less than what they worked their entire lives to earn: the peace of mind that comes with a pension.

I urge Congress to act. Pass this important legislation and protect our miners and their families.

HYDE AMENDMENT

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

Ms. LEE. Mr. Speaker, I rise today to call for an end to the discriminatory Hyde amendment, which has harmed too many women for far too long.

This week marks 40 years since the Hyde amendment was first passed. For 40 years, politicians have denied the full range of comprehensive health services, including abortion coverage, to women just because of their income, employer, or ZIP Code. This must stop.

This bill was passed in 1976 to prevent low-income Medicaid recipients from exercising their constitutional rights. I was here working as a staffer for my predecessor, Ron Dellums, when this amendment first passed. We fought tooth and nail against it then. We knew that this harmful rider would help pave the way for decades of harsh, unfair restrictions.

□ 1015

Now, as a member of the Appropriations Committee, each year I have fought the fight against Republican efforts to double down and to expand the Hyde amendment.

In fact, in 2016, the Hyde amendment now affects more than just Medicaid recipients, to include: Federal employees and their dependents, military servicemembers, Native Americans, Peace Corps volunteers, immigrants, Federal prisoners, and the residents of Washington, D.C.

The discriminatory Hyde amendment also disproportionately impacts low-income women and women of color. More than half of the women subject to the Hyde amendment are women of color.

We also know that when those who seek abortion care are denied, they are much more likely to fall into poverty than a woman who is able to access care.

The Hyde amendment is just wrong. It is not only the Hyde amendment. Since 2010, State legislatures have adopted 334 abortion restrictions, further expanding the hardship of abortion coverage like the Hyde amendment; again, politicians making decisions for women that they have no business even thinking about. Women deserve the right to privacy and the right to make their own healthcare decisions.

From shutting down clinics to creating longer wait lines, these restrictions impose the greatest burden on low-income women, immigrants, women of color, and young people.

Now, it is not our job, as elected officials, to make family planning decisions for women. Politicians need to get out of personal healthcare decisions for women.

Let me be clear. A woman's access to abortion should never depend on her ZIP Code, her employer, or her income. Whether you agree with women having abortions, that is not the issue. The issue is we should not discriminate against women who are denied the full range of comprehensive health services.

Secondly, politicians need to stop interfering with women's personal decisions about their body. That is why I, along with Congresswoman SCHAKOWSKY, Congresswoman DEGETTE, and 70 of our colleagues, offered and introduced the EACH Woman Act, H.R. 2972. This legislation would end the discriminatory Hyde amendment and ensure that all women can exercise their fundamental right to privacy and their fundamental right to choose.

Specifically, this bill ensures that, first, if a woman gets her care or insurance through the Federal Government, she will be covered for all pregnancy-related care.

Secondly, it means that Federal, State, and local legislators will not be able to interfere with the private insurance market to prevent insurance companies from providing a full range of healthcare services, including abortion coverage.

Right now, we have over 120 cosponsors working to stop politicians from interfering with a woman's reproductive rights, and we are building a coalition of elected officials, grassroots organizers, faith communities, and women who are ready to see this discriminatory and dangerous law taken off of the books.

So, as we mark 40 years of this terrible policy, I urge my colleagues to be bold and to support the EACH Woman Act. Together, we will end the Hyde amendment to ensure equal access to all healthcare services, including abortions for all women, not just for some who have the resources to ensure that their right continues as they make their own personal healthcare decisions.

These are their own constitutional rights. We should not interfere with any woman's right to make these decisions. So let's move forward. Support the EACH Woman Act.

I want to commend all of the young women and men across the country who are really working to turn back the tide of this terrible amendment and who are working to pass the EACH Woman Act.

CELEBRATING 50TH ANNIVERSARY OF GOODWILL INDUSTRIES NORTH CENTRAL PENNSYLVANIA

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to mark the 50th anniversary of Goodwill Industries North Central Pennsylvania located in my district. This organization assists people from across a portion of north central Pennsylvania, including 13 counties.

Goodwill has been a valuable part of this region since its launch in 1966. Over the years, their service area has grown to cover more than a dozen counties, 20 stores, and has created jobs for more than 500 people.

Coming up this weekend, I will visit the community of Falls Creek, in Jefferson County, located in Pennsylvania's Fifth Congressional District for a celebration of Goodwill's 50th anniversary.

It certainly helps that this great local organization is backed up by a highly-regarded national network. Across the United States, Goodwill is considered one of the top five most valuable and recognized nonprofit brands and is the second largest nonprofit organization.

Pennsylvania alone is served by 10 Goodwill Industries service areas. Goodwill has solid ties to the communities that it serves through partnerships with local businesses, schools, and human service agencies, helping individuals overcome life challenges through opportunity, education, training, and employment.

Those who donate to Goodwill can have peace of mind that their money is going to the right place since 90 cents of every dollar is directed towards its mission and services. Those services were provided to nearly 1,200 people across the north central region in 2013, providing an immeasurable benefit to the region.

This 50th anniversary celebration is a great time to reflect on all of the growth Goodwill Industries North Central has achieved as a team and continue to prepare their plans for the future. I commend them for all of their remarkable achievements, and I look forward to the great things that are yet to come.

ENCOURAGING SUPPORT FOR REPUBLIC OF MOLDOVA

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

Mr. WEBER of Texas. Mr. Speaker, today I rise to introduce a resolution encouraging United States' support for strengthening democratic institutions and anticorruption efforts in the Republic of Moldova.

America and its allies are under renewed attack by an aggressive Russia that continues to employ Soviet-style political and economic warfare.

Mr. Speaker, they are sewing discord and dissent whenever and wherever the opportunity presents itself. Without a doubt, Russia has set its sights on the front-line states of Eastern Europe.

One such particularly vulnerable state is the Republic of Moldova. Moldova's strategic location between Russia and Ukraine makes its loyalty to the West increasingly significant.

Also extremely problematic is the fact that Russia continues to violate borders and meddle in others' internal affairs. In 2014, nearly $1 billion, with a B, or 12 percent of Moldova's GDP was stolen from three major Moldovan Government banks. This banking scandal required the active involvement of a number of oligarchs and elected officials. Current members of the Moldovan Government recently exposed just how susceptible Moldova is to the Russian evil empire influence, as I call it.

This ''crime of the century'' not only touches financial institutions, Mr. Speaker, that are the world over, but it also exemplifies a systematic pattern of the Russian bear's efforts to undermine the rule of law and empower local agents willing to do its bidding. There is no question that Eastern Europe is at the center of a geopolitical struggle that has consequences for Atlantic security for many generations to come.

As the U.S. considers policies to counter the Russian bear's growing sphere of influence in Eastern and Southern Europe, as well as beyond the continent, we must not overlook the importance of a series of small countries that hang in the balance for our near- and long-term geopolitical goals.

American support for the rule of law, economic freedoms, transparency, and anticorruption initiatives in Moldova, and its neighborhood, at this pivotal time in history will unquestionably pay dividends for years to come.

We must also be considerate, Mr. Speaker, of just exactly what precedents we set today. Russian hegemony will not succeed if we help our allies in the East and their efforts to conduct free and fair elections.

Therefore, Mr. Speaker, I urge all my colleagues in the House to join me in supporting Moldova's efforts to rid themselves of Russia's corrupt and antidemocratic antics and influence. Please join me in efforts to add transparency and fortification to democratic and civil institutions within our ally and friend, the Republic of Moldova.

Mr. Speaker, you know I am right.

FDA OVERREACH WILL DESTROY VAPING INDUSTRY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to bring attention to the FDA's inappropriate efforts to decimate the vaping industry.

Dozens of my constituents have written to me about the dramatic positive impact vaping has had on their lives. Each of these Americans has also expressed concern that the FDA's regulations will take away the very thing that has helped them begin to lead a healthier lifestyle.

Andrew Driscoll of Boone wrote: ''Vaping has allowed me to quit a pack-a-day habit of smoking after years of trying other nicotine products to quit . . . innovation by small businesses to create helpful products that facilitate positive lifestyle changes should not be stifled by overregulation by the FDA.''

Dorothy Berryhill-Sanderson of Winston-Salem started smoking when she was 16 years old. She wrote that she was ''able to finally stop smoking a year and a half ago by vaping. I went off asthma meds within 6 months and high blood pressure meds shortly afterwards.''

Seth Marion of Yadkinville tried a variety of measures to quit smoking, but nothing worked until he tried vaping. He wrote to me to stress ''how important it is to support vaping and the lives it is changing.''

Kayla Hildebran of Taylorsville vowed to quit smoking when her 3-year-old daughter asked her to stop. She wrote about her opposition to the FDA regulating ''something that has not only changed my life for the better but hers too.''

In addition to numerous individuals, I am also hearing from business owners in my district who will be impacted by these rules. The FDA estimates there are between 5,200 and 10,200 businesses in the United States that make and/or sell electronic nicotine-delivery systems. The agency has said that number could drop between 30 percent and 70 percent with the new regulations, which is outrageous.

Vaping helped Chris Winfrey of Winston-Salem quit smoking. As a result, he organizes nationwide trade shows and conventions for vaping. He wrote that ''my businesses will no longer be able to exist, and I will no longer be able to employ the people I do.''

Josh Frazier of Statesville owns a local vaping business and asked me ''why the FDA wants to basically eliminate this industry.''

These regulations are yet another example of the Obama administration's pattern of stifling the American economy through unnecessary rules. It is

important for the well-being of citizens across this country that we stop this Federal overreach and that we allow vaping and other nontraditional products to compete in the marketplace.

RECESS

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

Accordingly (at 10 o'clock and 28 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Greg Young, Brown Deer United Church of Christ, Brown Deer, Wisconsin, offered the following prayer:

O God, author of all that is good, true, and beautiful, we gather together today to give You thanks. Thanks for the privilege of living in this great Nation, and for the privilege of serving its people.

As we journey into this new gift of today, I ask that You bless these who represent our great Nation and all who support them. Grant them inspired thought and action that transcends ideology. Inspire those here today with courageous and creative deliberation and nobility of purpose. Grant, O God, that these walls resound with the clarion call of freedom and justice for all which stand as the bedrock of our Nation.

We humbly ask, God of tender loving mercy, that You guide the collective wisdom and discourse of these Representatives.

May God bless this House and all who serve. God bless the President. May God bless the United States of America.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska (Mr. ASHFORD) come forward and lead the House in the Pledge of Allegiance.

Mr. ASHFORD led the Pledge of Allegiance as follows:

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

WELCOMING REVEREND GREG YOUNG

The SPEAKER. Without objection, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 1 minute.

There was no objection.

Ms. MOORE. Mr. Speaker, it is really, truly a pleasure to welcome Greg Young here as our guest chaplain.

I just want to note that I met him on an airplane during the time of a great, great distress, illness in my family, and he prayed for me; and he is here today at another time when I am experiencing some family illness.

It just goes to demonstrate that no matter what your race, creed, color, gender, there is always somebody out there who can touch you, someone out there who can bring the spiritual resources to you, if you just open up your heart and your mind.

Thank God for Greg Young, and I thank him for visiting us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING PALMETTO BAY'S GROUNDBREAKING CEREMONY FOR VETERANS PARK

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

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday, Monday, September 26, the Village of Palmetto Bay, a municipality located in my lovely congressional district, held a groundbreaking ceremony for its Veterans Park, a park solely dedicated to honor the brave men and women who have proudly served our wonderful Nation. It was a collaboration of a south Florida business, local officials, and the American Legion Marlin Moore Post 133 who joined together in support of this noble cause and made this park a reality.

The Miami-Dade Military Affairs Board and other veterans affairs groups will assist the Village of Palmetto Bay in filling the park with memorials and historical data to honor veterans from every conflict in which our great Nation has participated in order to protect our freedoms.

Residents and visitors alike will be able to learn and reflect on the sacrifices that so many courageous servicemembers have made and continue to make to this day.

Congratulations to the Village of Palmetto Bay.

BE BOLD AND END THE HYDE AMENDMENT

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

Mr. QUIGLEY. Mr. Speaker, I rise today in support of the EACH Woman Act, to ensure that every woman receiving care or insurance through the Federal Government be covered for abortion services. I am glad to join leaders in the fight for reproductive rights here on the floor today.

Whether a woman has private or government-funded health insurance, she should have coverage for the full range of pregnancy-related care, including abortion. For 40 years, the Hyde amendment has interfered with a woman's health decisions simply because she is poor. Research shows that restricting Medicaid coverage of abortion, as the Hyde amendment requires, forces one in four poor women seeking abortion to carry an unwanted pregnancy to term.

Women have the right to determine when and if they have children. That is a right protected under the Constitution for all women, not just those who can afford private health insurance. I am proud to cosponsor the EACH Woman Act, and I call on my colleagues to be bold; end Hyde.

HONORING THE 175TH ANNIVERSARY OF KENDALL COUNTY, ILLINOIS

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

Mr. HULTGREN. Mr. Speaker, I rise today to honor the 175th anniversary of Kendall County, Illinois.

Favorable conditions back in the 1830s persuaded hundreds of immigrants to load their wagons and head west to settle on the Illinois prairie. These early settlements became the seeds of Kendall County, a thriving, 320-square-mile area west of Chicago that is home to friendly people, rich farmland, and a strong base of manufacturing and small businesses.

The legislation creating Kendall County, approved by the Illinois Senate and House, was passed into law on February 19, 1841. It was named Kendall in honor of U.S. Postmaster General Amos Kendall, who served under President Andrew Jackson.

Throughout its history, the county has stood the test of time and continues to grow and prosper today. In fact, the county boasts more than 114,000 residents and holds the record as the fastest growing county in the United States, with an impressive rate of more than 110 percent growth.

I am proud to call Kendall County my home and celebrate its 175th year of history and prosperity.

VICTIMS OF GUN VIOLENCE

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

Mr. PETERS. Mr. Speaker, North Charleston, South Carolina, June 29, 2013:

Maurice Lamark Horry, 41 years old;
Carlos Davis, 39;
Theodore Waymyers, Jr., 36.
Waco, Texas, May 17, 2015:
Jesus Delgado Rodriguez, 65 years old;
Richard Vincent Kirshner, 47;
Charles Wayne Russell, 46;
Daniel Raymond Boyett, 44;
Wayne Lee Campbell, 43;
Manuel Issac Rodriguez, 40;
Jacob Lee Rhyne, 39;
Richard Matthew Jordan, 31 years old;
Matthew Mark Smith, 27.
Manchester, Illinois, April 24, 2013:
Joanne Sinclaire, 64 years old;
Roy Ralston, 29;
Brittany Luark, 22;
Nolan Ralston, 5 years old;
Brantley Ralston, 1 year old.
Olympia, Washington, June 22, 2016:
Gerald M. Berkey, 36 years old;
Terron R. McGrath, 31;
Jackson Edens, 28.
New Orleans, Louisiana, August 10, 2014:
Terrance McBride, 33 years old;
Jasmine Anderson, 16.

SEPTEMBER IS VETERANS SUICIDE PREVENTION MONTH

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

Mr. BENISHEK. Mr. Speaker, I rise today to recognize September as Veterans Suicide Prevention Month.

America has a veteran suicide epidemic. In 2014, 20 veterans a day committed suicide. Only six of these were users of VA services.

I know that the challenges of military life do not end once our servicemen and -women return home from Active Duty. A veteran in northern Michigan pointed out to me that, when calling a VA medical center, an automated voice directed those in a mental health crisis to hang up and dial a long 800 number. This made no sense.

I am pleased VA has finally taken steps to address this. Now when a veteran calls Iron Mountain VA Hospital, he or she can be immediately connected to a mental health crisis line. I hope this feature will be rolled out to every VA medical facility as soon as possible.

To all veterans struggling with whether to take your life, know there is no shame in asking for help.

I thank those who have served our country for their immeasurable service and sacrifice.

CONGRATULATING DR. MARCELO CAVAZOS, 2016 TEXAS SUPERINTENDENT OF THE YEAR

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

Mr. VEASEY. Mr. Speaker, I rise today to recognize the 2016 Texas Superintendent of the Year, Dr. Marcelo Cavazos, representing the Arlington Independent School District.

From a young age, Dr. Cavazos' parents encouraged him and his five siblings to focus on their education, the great equalizer of opportunity. Dr. Cavazos believes that all children must have someone to advocate for them in order to succeed.

With this belief in mind, Dr. Cavazos began his career as an English teacher in the Mission Consolidated Independent School District in 1990. He also worked in the TEA, the Texas Education Agency, in their school finance department before joining Arlington ISD in 1999. He was named deputy superintendent of Arlington ISD in 2009 and became the superintendent in November 2012.

Under Dr. Cavazos' leadership, the Arlington Independent School District has opened two fine arts/dual language academies, expanded community-based prekindergarten offerings, and signed agreements with the University of Texas at Arlington, the University of North Texas, and Tarrant County College to give kids greater access to dual credit and early admission options.

Dr. Cavazos has made it his life mission to open the doors of opportunity for all of our children.

Congratulations on receiving this prestigious award.

NATIONAL RICE MONTH

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

Mr. CRAWFORD. Mr. Speaker, September is National Rice Month. For those of us in the agriculture community, there are two numbers that stuck out. One is 2050; the other is 9 billion. Let me explain.

By the year 2050, we expect the human population will be at about 9 billion people. Beyond all the other concerns we have about such a large population, among those concerns is: How will we feed that many people?

I believe that hearty, wholesome grains like Arkansas rice will be a part of the answer to that important question. Rice is nutrient-dense, containing over 15 vitamins and minerals, including folic acid, B vitamins, iron, and zinc. It is easily stored, transported, and an incredibly versatile kitchen staple for families around the world.

In an age of concern over healthy, affordable foods, rice supplies an answer that other grains can't match. A one-half cup cooked serving of rice costs less than 10 cents and provides complex carbohydrates that fuel the human body.

But here in the United States Congress, one of the problems I run into is that people don't know that we grow rice in the United States. I do what I can to spread the word about American rice production, including sending other Members Rice Krispies Treats on their birthdays.

If we are going to use rice as a tool for solving the world's need for cheap, affordable foods, we have got to keep telling the story about American rice. I can't think of any other food more important for feeding the world.

CELEBRATING DR. LOURDES GOUVEIA DURING HISPANIC HERITAGE MONTH

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

Mr. ASHFORD. Mr. Speaker, as we celebrate Hispanic Heritage Month, I rise today to honor a woman who has left an indelible mark on the State of Nebraska and the Second Congressional District.

Dr. Lourdes Gouveia is professor emeritus of sociology and the founding director of the Office of Latino/Latin American Studies at the University of Nebraska at Omaha.

For over 25 years, with her leadership and knowledge, she has worked to provide educational institutions, government agencies, and the private sector with relevant, culturally competent, and socially responsible research and analysis of Nebraska's vibrant Latino population.

She has directed work that details the economic, social, and political opportunities and challenges facing both the urban and rural sectors of the State. Dr. Gouveia has done this with a particular focus on the impact of migration, immigrant integration, and social justice.

All this has now come full circle as her former students and others she has mentored fill a variety of highly meaningful roles in Nebraska and across the country. This ensures that her legacy, symbolized by the programs she has created and nurtured over the past quarter century, will continue to serve Nebraska and its citizens long into the future.

HONORING HARRELL CHARLES MURRAY, JR.

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to honor Mr. Harrell Charles Murray, Jr., of Savannah, Georgia, who passed away on Sunday, September 18.

Mr. Murray was an outstanding individual who dedicated his life to his family, his church, his community, and his country. He served his country during World War II as a member of the United States Coast Guard, where he served on a patrol boat guarding the southeastern coast from attack and attempted espionage.

After the war, he joined the family's business, Savannah Lumber and Supply Company. He was loyal to his family's company, working there until his retirement.

With any additional time, he contributed to the Savannah community. A

few of his many examples of service include participating in the Lions Club, mentoring young men at the local YMCA, and donating gallons of blood to the American Red Cross.

A lifelong member of Wesley United Methodist Monumental Church in Savannah, he was always devoted to bettering the church and its congregation. The church even gave him a special award for his work.

Mr. Murray's life and work is to be commended. He will certainly be missed.

□ 1215

NEW TRAIN STATION FOR BUFFALO

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

Mr. HIGGINS. Mr. Speaker, western New York is experiencing a resurgence that was unimaginable 10 years ago. We have reclaimed our waterfront, generated thousands of jobs in the life sciences, and will soon be the largest supplier of solar panels in the Western Hemisphere.

But still there is much work to be done. The Buffalo-Exchange Street Amtrak station is, in terms of function and aesthetics, the worst in the State and among the worst in the entire Nation. It is currently closed because the ceiling collapsed. This is a station that is not in keeping with a city that is on the rise.

Yesterday, I asked the New York State Department of Transportation to begin planning for a new station at our bustling Canalside district or our historic Central Terminal.

If we act quickly to produce a plan for a new, state-of-the-art train station that is shovel-ready, we will position Buffalo to benefit from a much-needed investment in infrastructure throughout the Nation.

SUICIDE AFFECTS YOUNG CHILDREN

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, The Journal of Pediatrics recently reported many preteen children are at risk for suicide. Previously, it was believed that young children were incapable of suicide because they can't feel as hopeless or didn't have an understanding about death.

Yet, in the United States, children as young as 5 years old die by suicide. According to the study, most of these suicide victims had a mental health problem. For younger children, suicide was associated with attention deficit disorder, and for older kids, depression. Both are treatable but must be diagnosed and treated right.

But today, for every 2,000 children with a mental health disorder, only one child psychiatrist is available. Over 70 percent of psychotropic medications are prescribed by nonpsychiatrists, and 90 percent of psychiatric medications for children are prescribed off label.

The Helping Families in Mental Health Crisis Act addresses this grave reality head-on by increasing the number of child psychiatrists in our Nation. As lawmakers, it is our duty to protect our Nation's future generations.

As the Senate continues to sit on H.R. 2646, I hope they keep in mind our children and our grandchildren. Please do not leave town before passage of H.R. 2646. We can save lives, but, to do so, we must pass this law. Our children need help and hope.

REBUILDING OUR INFRASTRUCTURE

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

Mr. LANGEVIN. Mr. Speaker, it has been more than 2 years since the public health crisis in Flint, Michigan, exposed thousands of residents—including up to 12,000 children—to lead-tainted water. With only days left to avert a government shutdown, I am absolutely appalled by the continued resistance of Republican leaders to include critical funding in the year-end spending bill to help the families of Flint.

None of our communities are immune to aging infrastructure. We must provide the resources to address these challenges head-on before pipes break, before a bridge collapses, or before a road becomes impassable.

For most of us across the country, that means rebuilding our infrastructure before the worst happens. For the people of Flint, it means providing emergency assistance in the wake of this crisis that will allow them to rebuild their lives and their communities. Either way, it is incumbent upon us as Members of Congress to protect the health and safety of our constituents, and the time to act is now.

REPORT ON RESOLUTION RECOMMENDING THAT THE HOUSE FIND BRYAN PAGLIANO IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH A SUBPOENA

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted a privileged report (Rept. No. 114–792) on the resolution recommending that the House of Representatives find Bryan Pagliano in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform, which was referred to the House Calendar and ordered to be printed.

MENTAL HEALTH

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to urge my colleagues in the Senate to act on mental health reform legislation. Back in July, the House passed H.R. 2646, Representative MURPHY's bill, the Helping Families in Mental Health Crisis Act, with strong bipartisan support; but the Senate has yet to take action on this vital piece of legislation.

There can be no more delay; our Nation has suffered the loss of over 70,000 lives as a result of mental illness, many of which could have been prevented with access to mental health treatment. Mental illness devastates our criminal justice system, our communities, and our families. We cannot arrest our way out of this problem.

Mr. Speaker, I urge our Senate colleagues to advance this bill so that we can intervene before more Americans lose their lives to this treatable disease.

RECOGNIZING TONY LAM

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

Mr. LOWENTHAL. Mr. Speaker, I rise to recognize my constituent, Mr. Tony Lam. Tony fled Vietnam in 1975 during the Fall of Saigon. He was a political target because of his work for the United States Government.

While at Camp Asan in Guam and Camp Pendleton in California, he served as a leader for the community of refugees. After settling in Westminster, California, Tony won a seat on the Westminster City Council in 1992, becoming the first Vietnamese American elected to public office in the United States.

Tony will turn 80 next week on October 4, and I want to take this opportunity to congratulate him and thank him for his many years of service to the Vietnamese American community and to the city of Westminster.

NATIONAL SUICIDE PREVENTION MONTH

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

Mr. BUCSHON. Mr. Speaker, suicide is the second leading cause of death for young Americans ages 10 to 24.

To put that in perspective, for kids in the fourth grade to young adults just starting their careers, suicide is the second leading cause of death.

As a father of four all in this age group, I can't tell you how heartbreaking it is that kids across the country feel hopeless and feel that suicide is their only option.

Tragically, we know that many of the individuals who experience suicidal thoughts suffer from some form of mental illness but have not received proper treatment.

Here in the House, we passed landmark legislation to overhaul our Nation's mental health treatment system to make sure these individuals have access to the care they need, and we need to see it across the finish line.

That is why I am here on the floor today to recognize National Suicide Prevention Month and, more importantly, to bring awareness to this tragic problem and recommit our efforts to help our fellow citizens struggling with mental illness.

DYSFUNCTIONAL REPUBLICAN-LED CONGRESS

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

Ms. PLASKETT. Mr. Speaker, I rise today to call out the dysfunction of this Republican-led Congress.

At every turn, this House has abandoned Americans who are counting on strong action from Congress to protect families. Whether it is Flint, gun violence prevention, or the Zika virus, this Congress has shown its unwillingness to tackle the real issues affecting the American people.

Mr. Speaker, in the United States and its territories, there are now more than 23,000 confirmed cases of Zika. An emergency request for supplemental resources to fight Zika came to this House more than 6 months ago. Similarly, in the 3 months since House Democrats took to this floor to call for a vote on commonsense gun safety legislation, there has not been a single vote.

Mr. Speaker, this Congress' inaction on these issues has dire consequences for many in communities across the country, including the more than 40 men and women who have lost their lives to gun violence in the Virgin Islands this year and the number of unarmed African Americans killed in police shootings. Are they not important?

The water crisis in Flint is the very issue that this Congress should take up.

Mr. Speaker, I call on this Congress to act now to fully fund the President's emergency request to fight Zika, to support the children and families in Flint, as well as bring a vote on legislation to keep our communities safe from gun violence and aggressive police practices.

MOSES LAKE CHAMBER OF COMMERCE

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

Mr. NEWHOUSE. Mr. Speaker, I rise today to recognize the Moses Lake Chamber of Commerce in Washington State's Fourth Congressional District as they prepare to celebrate their 75-year anniversary in October.

Moses Lake is truly a vibrant community that has developed as a hub for diverse sectors, including agriculture, aviation, manufacturing, and technology.

This success is no accident. The commitment of hardworking entrepreneurs and local civic leaders has placed Moses Lake on a path of increased opportunity for the residents of the city, in Grant County, and in the entire region.

The growing engagement of Moses Lake businesses in trade and exporting American products overseas shows the importance of access to international markets for the local economy. Moses Lake businesses and leaders know the importance of keeping our ports open and supply chains operating smoothly.

While Moses Lake's natural beauty, freshwater, and recreational and cultural activities attract visitors from all over, its growing economy supports jobs that attract families to stay and call Moses Lake home.

Congratulations to Moses Lake on 75 years of fulfilling its mission to create and maintain a prosperous economy and quality lifestyle.

RELIEF FROM OBAMACARE

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

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to encourage my colleagues to support Congressman ADRIAN SMITH of Nebraska's CO-OP Consumer Protection Act which we will vote on later today.

This bill will temporarily exempt from the individual mandate penalty anyone who had a plan under one of the many failed ObamaCare co-ops; 17 out of 23 co-ops have failed since early 2015.

Community Health Alliance was one such ObamaCare co-op based in my district. When it failed last year, 27,000 Tennesseeans were forced to find new plans. This year, Tennesseeans have been faced with even more bad news. Earlier this year, BlueCross BlueShield of Tennessee requested an average 62 percent increase in premium rates. Then just yesterday, BlueCross BlueShield of Tennessee announced that they can no longer afford to offer any ObamaCare exchange plans in Knoxville, Nashville, and Memphis. This will affect over 100,000, including many of my constituents who will now have the option of only one health insurance provider.

Congressman SMITH of Nebraska's bill will provide at least some relief for people who have lost their health insurance because of ObamaCare. I urge my colleagues' support of this very important legislation.

EDEN PRAIRIE: BEST PLACE TO LIVE

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

Mr. PAULSEN. Mr. Speaker, I rise to congratulate Eden Prairie, Minnesota, for being recognized and named as the Second Best Place to Live in America by Money Magazine. It is not the first time that Eden Prairie has been recognized as a great place to live. It has made the annual list several times over the years and even finished number one in 2010.

Eden Prairie is a wonderful place for families and kids because of its excellent schools, great parks, and over 100 miles of terrific walking and biking trails. There are also 17 lakes that add to our high quality of life. The city also has a lot to offer through its economy as well. There are several great local and global brands that are headquartered in town or nearby.

Mr. Speaker, Eden Prairie residents have known this for a long period of time. It is a great place to work, to live, and to raise a family. I am honored to represent such an outstanding community and to call it home myself.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2016.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2016 at 9:34 a.m.:

That the Senate agreed to S. 1886.

Appointment: Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 5303, WATER RESOURCES DEVELOPMENT ACT OF 2016; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 892 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 892

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. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, 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 Transportation and Infrastructure. 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 Transportation and Infrastructure now printed in the bill, 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 114-65. 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 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 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. 2. It shall be in order at any time on the legislative day of September 29, 2016, or September 30, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 30, 2016, relating to a measure making or continuing appropriations for the fiscal year ending September 30, 2017.

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

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), 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. WOODALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. WOODALL. Mr. Speaker, I would like to believe that you requested this time today after having been with the Rules Committee last night debating this measure.

The rule, House Resolution 892, provides for structured debate of H.R. 5303, the Water Resources Development Act of 2016.

Now, for Members who have been here for more than one term, you are thinking: Didn't we just do a Water Resources Development Act of 2014?

Well, we absolutely did. We were supposed to. This is getting us back on track to—Congress after Congress after Congress—focus on the water resources of our Nation.

In this rule today, we are going to make in order the general debate on the WRDA bill, the Water Resources Development Act, as well as a number of amendments on both sides. But I want to make it clear that the Rules Committee is not done. When Congressman HASTINGS and I finish here on the floor, we will head back to the Rules Committee and we will make even more amendments in order for debate. There are 25 amendments, bipartisan amendments, made in order by the rule that we are debating today. And, again, we will return to committee to make additional amendments in order this afternoon.

It would, no doubt, have been easier to make all the amendments available in one package. But as so often happens, Mr. Speaker, when you have a bill of this magnitude, of this importance, as the Water Resources Development Act is, you have an abundance of interest from across this Chamber. I believe the Rules Committee has received over 90 amendments to improve upon this legislation from Members who have important issues that they would like to see debated. That is why you see a two-rule process for this particular bill today.

For folks who don't have the pleasure of serving on the Transportation and Infrastructure Committee, as you and I do, Mr. Speaker, I will tell you that the WRDA bill authorizes the U.S. Army Corps of Engineers for all of their activities across the spectrum from construction to maintenance. It is the water infrastructure maintenance of harbors and locks and dams of flood control projects and of water supply projects across the Nation, coast to coast.

The underlying bill continues the reforms that this Congress began and that the President signed in the WRRDA bill of 2014 by strongly asserting Congress' authority over Corps activities and, again, restoring the 2-year WRDA cycle that has been missing for far too long.

This return to regular order, Mr. Speaker, I would argue, is going to take the politicking out of these projects and return the WRDA bill to being that bipartisan bill that focuses on Congress' priorities, as spoken by our constituents back home, rather than, as sometimes happens, the Corps taking direction from unelected bureaucrats downtown. I believe that we get a better work product when we collaborate together, again, manifesting the will of our constituency back home.

If you need to see what this return to regular order has meant, Mr. Speaker, just look at the 30 Chief's Reports or the 29 feasibility studies included in this bill. Again, if you don't serve on the Transportation and Infrastructure Committee, Chief's Reports and feasibility studies may not mean much to you. But if you are involved in water infrastructure anywhere in this country, you know that those reports are vital to moving your project forward and you know that the feasibility study is critical to moving your project forward.

Each one of these has been reviewed by the Transportation and Infrastructure Committee in public hearings, just as we had done in the WRRDA bill of 2014. Mr. Speaker, this kind of open and transparent process, I would argue, has given us a better work product in the underlying bill and is going to give us a better rule here today.

Mr. Speaker, when we talk about our waterways—I had to write the stats down here; I don't have them committed to memory—they are mind-boggling. Six hundred million tons of cargo are moving on our waterways, Mr. Speaker. That is $230 billion in economic value moving on our inland waterways each year—$1.4 trillion worth of goods moving in and out of our ports each year; $320 billion in Federal, State, and local revenue generated by those ports. Over one-quarter—over one-quarter, Mr. Speaker, of the gross domestic product of the entire United States of America comes from international trade and 99 percent of cargo moves through the ports controlled by this legislation.

Mr. Speaker, we are talking about over 40 million American jobs tied to international trade and, again, supported by this bill brought out of committee in a bipartisan and unanimous fashion.

I am very proud to support the underlying bill. This bill makes in order time for the chairman and ranking member of the Transportation and Infrastructure Committee to debate this bill. I am very proud that the Rules Committee has seen fit to allow those Members who do not serve on the Transportation and Infrastructure Committee to make their voice heard as well.

Mr. Speaker, this is a definition of how we should be doing things in this institution. I am proud to bring this rule to the consideration of my colleagues today. I am proud of the underlying bill that this rule supports. I

hope all of my colleagues will join me in supporting the rural and the underlying bill.

I reserve the balance of my time.

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

I thank the gentleman from Georgia (Mr. WOODALL), my friend, for yielding me the customary 30 minutes.

Mr. Speaker, I rise today to debate the rule.

This legislation historically focuses on the U.S. Army Corps of Engineers and water resources infrastructure, such as dams and levees, serving as a vehicle to update Corps policies and authorize new individual Corps studies, projects, and modifications to ongoing projects.

This legislation could not be more important for our country, specifically my State, with its numerous Army Corps projects and water resources that Florida's diverse environment, ecosystem, and economy relies on.

I was pleased to see that this legislation includes authorization for the dredging of Port Everglades. I have lived with that request for 18 years of my career here in Congress. This is a project that has seen a long road to fruition, and that will be an immense boost to south Florida's economy.

Furthermore, as co-chair of the House Everglades Caucus, my fellow caucus members, relevant stakeholders, and I have for years worked tirelessly to make the goal of Everglades restoration a reality. It is with this goal in mind that I support and applaud the inclusion of the Central Everglades Planning Project authorization in this bill.

This authorization will mean almost $2 billion of Federal and non-Federal money will be put towards vital restoration projects that will help one of the world's most diverse and unique ecosystems thrive once again.

We still have a long way to go to bring the Everglades back to full ecological prosperity, and many challenges remain ahead; but by authorizing this project, we will be able to take a determined step in the right direction, helping Florida's environment and economy.

Mr. Speaker, while I am pleased that this bill includes authorizations for critical water projects important to the State of Florida and for many other States around the country, I am disheartened to see a measure that was reported favorably out of the Transportation and Infrastructure Committee with bipartisan support become shamefully transformed by Republican leadership.

Under the guise of a budgetary point of order, the Republican leadership stripped a provision that would have unlocked the harbor maintenance trust fund to ensure that revenues collected from shippers are used to actually maintain U.S. coastal and Great Lakes harbors.

So after working in a strong bipartisan fashion to craft a bill that all Members could support and after reporting the bill by voice vote, the majority saw fit to sabotage the good faith negotiating and hard work by—and I underscore one Member, a friend of mine—the gentlewoman from California (Ms. HAHN), who has worked on this the entirety of the time that she has been here in Congress, and I am sure serves as a disappointment for her. She will speak to that later.

Mr. Speaker, later today we will be debating a rule for a bill that, once again, attacks the Affordable Care Act. That bill also had two points of order made against it. Yet, the majority provided that legislation with a waiver against those points of order. With these contrasting decisions, the majority has revealed its hypocrisy.

Work in a bipartisan fashion on a major infrastructure bill that gets favorably voice voted out of committee and leadership changes the bill and provides no waiver.

Attack the Affordable Care Act in a red meat political messaging bill for the extreme right and leadership allows a waiver of the point of order so the bill may move forward.

Mr. Speaker, I am also disheartened to see that this legislation does not have any funding to help the people of Flint and that my good friend, the Member who represents the city of Flint in this House, Congressman KILDEE, did not have his amendment, which would have provided much-needed relief to the citizens of Flint, made in order.

□ 1245

I am sure, if time permits, he will speak to the issue as well. Congressman KILDEE sought this waiver of the rules so that his amendment could be made in order. This request was denied.

Mr. Speaker, the majority grants waivers of points of order all the time. I have had the good fortune of being on the Rules Committee, both in the majority—perhaps, not often enough, in my mind—and in the minority. This Congress alone, as when Democrats were in charge, made waivers when they felt like doing so. My Republican friends have granted 249 waivers; yet they denied a waiver to address a critical public health crisis. There is plenty of blame to go around as to the cause of this crisis.

I said last night that I understand the implications of the State and the local governments' responsibilities, but I also feel, when children are poisoned, that the Federal Government has an immense responsibility. To me, women, children, and the elderly becoming ill because of lead-tainted water is an ''everybody'' problem, and this body has a political and a moral responsibility to help the people of Flint right this wrong.

Simply put, Mr. Speaker, if we can't get a waiver of the rules after this House works in a truly bipartisan way to address the issues of our country or to help children who have been drinking poisoned water in their hometowns, then when can we get a waiver?

I reserve the balance of my time.

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

My friend from Florida is very earnest in his comments. One of the reasons I enjoy working with him so much on the Rules Committee is we get to work on issues that affect people's lives—that make a difference for folks back home. Even though we are here debating the WRDA bill, I would be remiss if I let the reference to the CO-OP bill, coming later on today, pass as being an attack on ObamaCare or even pass as being a waiver of the budget rules.

Mr. Speaker, if you have had a chance to look at that, what you know is that, when U.S. citizens were forced out of the insurance policies that they liked and into the ObamaCare system and when those ObamaCare policies they were forced into failed midyear and they lost the insurance that they were forced into after having already lost the insurance that they had chosen for themselves, the law said we are now going to come and tax you—penalize you—once again because you have let your insurance policy lapse.

This is the absurdity of having lost your insurance policy because the law took it from you, of having the law force you into a second insurance policy, which then collapses under its own weight because it cannot support itself, and then of you, the American taxpayer, having to be on the hook. So the budget point of order, which is absolutely waived, waives the absurd proposition that the Federal Government was entitled to tax American citizens who have been twice failed by ObamaCare because we were expecting them to pay a penalty for having lost their care midyear.

This is something that unites us. This is not something that divides us. We have an opportunity in the next rule that comes up—in the next bill that comes up—to step in for those American families who, again, lost the insurance they wanted, who lost the insurance they were forced into, and who are now being faced with an IRS penalty for their troubles. I think this is something that our constituents have sent us here to do, and I am glad we are going to be taking action on that later today.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), the distinguished ranking member of the Committee on Transportation and Infrastructure.

Mr. DEFAZIO. I thank the gentleman for yielding.

Mr. Speaker, the gentleman mentioned in his opening remarks one of the greatest disappointments. This bill did come out of committee unanimously—bipartisan—in a very fiscally responsible manner, which is that we

levy a tax on all goods that are imported into this country. Every American pays a little bit more for any imported good he buys under the premise that that money will be used to maintain and construct our harbors and critical port facilities.

Unfortunately, every year, the Republicans have seen fit to divert $400 million to $500 million of that tax into something else. They spend it somewhere else. They pretend they are reducing the deficit—whatever. We do not know. Meanwhile, our harbors are silting in; our jetties are failing; and many major projects are delayed. In fact, we are going to authorize a bunch of new projects here—billions of dollars worth of projects. Unfortunately, the Corps already has authorized—but yet has unconstructed and unfunded—$68 billion worth. They are saying we can't use the tax dollars—that we can't use the dollars which Americans are paying a little bit more of for all of their imported goods—for the purpose for which the law was intended: dredging our harbors. Here are just two examples.

We have Savannah—a major project. We have to deal with the post-Panamax ship. Unfortunately, we are going to have a $15 million-a-year deficit in terms of maintaining that project once it is constructed. We also have the Port of Charleston—$5 million a year short. Now, if that $400 million were not being diverted by the Republican majority to other purposes, those projects and others around the country could be fully funded.

I have been working on this provision for 20 years, starting with Bud Shuster, the dad of the current chair of the committee. It came out of committee unanimously with support on the Republican and Democratic sides; yet the Rules Committee stripped it out. They stripped it out because they want to keep playing with that money and diverting it away from critical needs.

Then one other thing. We are talking about critical infrastructure and the huge backlog. There is an earmark in this. Earmarks are banned. Technically, they kind of get around that. There is a $520 million earmark for a project that has had no cost-benefit analysis, that has not been approved by the Corps of Engineers but that, in fact, will include such critical infrastructure as a splash park, a swimming pool, ball fields, et cetera. Harbor maintenance tax dollars will be spent on these projects in a $520 million boondoggle that has never had a cost-benefit analysis because one member of the Appropriations Committee managed to slip it into an appropriations bill years ago. Then, with a little sleight of hand, he said: ''Oh, well. Yeah. It was never authorized, never evaluated; but if we tweak it a little bit and say, 'Well, we are modifying it,' then we can say, 'Oh, it is okay.'''

This is not exactly on the up-and-up here today, folks. We are diverting precious tax dollars away from critical infrastructure to whatever kind of special things the Republicans have somewhere else that they want to fund, and we are funding boondoggles and earmarks to the tune of a half a billion dollars.

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

Mr. HASTINGS. I yield the gentleman from Oregon an additional 1 minute.

Mr. DEFAZIO. To just get back to the core of this, other than that, it is a pretty good bill.

It is critical that we maintain our ports and our infrastructure, and it is critical for our competition—the world economy; but we need to stop hoodwinking the American people. If you are not going to spend the tax for the purpose for which it was collected—harbor maintenance and construction—then lower the tax, because every American is paying a little bit more for every imported good. Besides that, they are paying a lot more because the ships are way out to sea, in line, because they can't access our ports, again, because of deferred maintenance at portside facilities.

We have got that money. We are collecting the tax. Let's spend the tax in the way in which it is authorized under the law of the United States of America, and let's stop playing games.

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

I say, in broad terms, that I support what the gentleman from Oregon has just said. I served with him on the Transportation and Infrastructure Committee. I was one of the folks who supported the bill that unanimously left committee. The great State of Georgia is dependent on the Port of Savannah, about which the gentleman from Oregon has just laid out the critical funding infrastructure needs.

The question with the harbor maintenance trust fund, I want to be clear, is not one of the diversions of those resources. We often talk about trust funds as if someone is dipping his hand in and taking money out of the trust funds, and there is not a single person who works at a single port in the great State of Georgia who believes that is true—because it is not. The trust fund still sits there. The gentleman's point is that we should be spending the money in the trust fund, and he is absolutely right about that. Correct any misunderstanding. No one is spending those resources elsewhere. Those resources are still in the trust fund, and they ought to be spent.

The question then becomes for this Chamber: Are we going to delegate that authority, as we do time and time again, to the administration, and the administration will spend that money any way the administration sees fit; or will we, utilizing the constitutional powers not given to this body but required of this body, spend those dollars as our constituents see fit—in an accountable fashion, not by unelected bureaucrats, but by folks who are elected and who stand for election every 2 years?

These dollars need to go out the door. The Port of Savannah is critical because it is so big. The Port of Brunswick, in Georgia, is even more challenged by dredging that hasn't happened but that should have happened. The project that my friend from Florida mentioned, the Everglades, is not a local port project in Florida; that is a project of national significance. We all stand for the restoration that needs to happen there in the Everglades, a national environmental and natural treasure. We have failed in making those decisions, and if we delegate this authority in its entirety to the administration, I tell you that we will have failed our constituents again.

Mr. Speaker, you were with me and the chairman last night in the Rules Committee. Chairman SHUSTER wants to solve this problem. Chairman SHUSTER wants what I want, and I want what Mr. DEFAZIO wants; and what Mr. DEFAZIO wants is for us to live up to our obligation to maintain America's critical port and waterway infrastructure—we can and we should and we will—but delegating it to the administration does none of those things. That, we should not do. We have an opportunity to do it the right way.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. HAHN).

Ms. HAHN. I thank my colleague, Representative HASTINGS, for yielding, and I thank the gentleman earlier for recognizing my work on this issue since I have come to Congress.

Mr. Speaker, I rise in opposition to the rule for this bill. My colleagues and I, first of all, have been fighting for much-needed funding for the children who have been poisoned in Flint, Michigan. This bill should have included help for them. These families have waited too long, and it is inexcusable that we have not passed legislation on their behalf. I am also opposing this bill because an important provision that would take the harbor maintenance trust fund off budget was stripped from this bill after we passed it out of committee unanimously—with true bipartisan support.

When I first came to Congress 5 years ago, I didn't think we were talking about our Nation's ports enough, and I started the bipartisan Congressional Ports Caucus, which now has over 100 members, both Democrats and Republicans. Some are in the caucus who don't even have a port that they represent; but, together, we have brought new attention to the problems that are facing our Nation's ports and the impact that they have on our economy.

One of our caucus' priorities has been taking the harbor maintenance trust fund off budget so that Congress cannot use these funds for any other reason or keep them in a surplus that is not going to the purpose for which they were intended. Shippers have been paying billions of dollars into this fund for

the purpose of maintaining our ports so that we can continue to have goods movement and the international trade industry be at the core of our economy in this country.

□ 1300

We had a $9 billion surplus at one point. That is criminal to have that money just sitting here not going back to our ports. In fact, over the last decade, less than 60 percent of the revenues that we have collected have been used to maintain and dredge our ports. This is unacceptable. Money that is collected at our ports, for our ports, should go back to our ports.

Jo-Ellen Darcy, the head of the Army Corps of Engineers, told me that if she had the appropriate funding—which means we should take the harbor maintenance trust fund off-budget—all of our ports in this country could be dredged in 5 years. Not only would this create jobs, it would prepare ports across the country for the larger ships coming through the expanded Panama Canal.

We made great headway on this issue in 2014 by passing a bipartisan WRRDA bill that established annual spending targets that led to the full use of these revenues by 2025.

However, less than 2 months after that was passed, I was back here on the floor with my colleague, Representative HUIZENGA, fighting for the appropriations funding that matched what was set in our water bill, and we have had to keep fighting for that ever since.

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

Mr. HASTINGS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from California.

Ms. HAHN. Mr. Speaker, my colleagues and I in the Transportation Committee, both Democrats and Republicans, decided to address this injustice in May when we passed a bipartisan bill that included the provision to finally take the harbor maintenance trust fund off-budget. However, much to my shock and dismay, this provision was stripped out after we passed the bill out of committee.

We cannot continue to neglect our port infrastructure and put at risk job growth, our economy, and global competitiveness. For these reasons, I cannot support this rule and WRDA in its current form, and I encourage my colleagues to do the same.

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

Mr. Speaker, it has to be said the gentlewoman from California (Ms. HAHN) is an amazing advocate for the harbor maintenance trust fund. She represents a critically important port infrastructure. It is critically important not just for her area, but to the entire United States of America.

I do the same on the Eastern seaboard, the port in Savannah, Mr. Speaker, is the fastest growing container port in the country. It is not a catalyst for growth in Georgia; it is a catalyst for growth across the United States of America, particularly in the Southeastern portion.

The gentlewoman was absolutely right, we made some great progress in 2014. We came to an agreement that we need to do more. We have the ability to do more, and we need to do more. That is not the question today, Mr. Speaker. You will not find any reference made by any member of the Transportation and Infrastructure Committee suggesting that they don't want to do more.

The question is: Will we do what we do so often, and that is to decide that Congress cannot be trusted with these decisions and let's just punt to the administration?

Now, I will tell you what that means for Savannah since we saw a banner up here earlier on the floor talking about the Savannah port. What that means for Savannah is that while the Corps of Engineers says that we can get this port fully operational for Panamax ships within 6½ years, providing taxpayers the maximum bang for their buck—the administration funded it not over 6½ years. They didn't provide enough funding for it to get done in 10 years. They didn't provide enough funding for it to get done in 20 years—the funding that was recommended by the administration stretched the construction out over two decades.

Who wins in that? Who wins in that?

I will tell you that an advocate for the port system, as the gentlewoman from California is, would not spend taxpayers dollars that way. I would not spend taxpayer dollars that way and you would not spend taxpayer dollars that way.

Is this institution at fault for not maximizing the utility of the harbor maintenance trust fund?

Yes. Yes.

Will this institution compound that fault by delegating the authority away to the administration?

The answer is yes.

I would say to my friends that the nature of a trust fund is that it is there when we need it most. What the gentlewoman from California described is the spend-up program that was going on over a decade recognized that. It recognized that there is going to be a rainy day here where we are going to need to dip in, where the revenues won't be what we expected. The nature of a trust fund is not to spend it to zero every year. The nature of a trust fund is to have it there when you need it.

We are working together to do more here, Mr. Speaker. But when the objection is made—and I will read it in part. Section 108 is the provision that we are talking about being stripped, and it allows the Corps to use the funds available in the harbor maintenance trust fund without further appropriation by Congress.

Mr. Speaker, in the 1960s, when you looked at the Federal budget, about one-third of that Federal budget was on autopilot, just going right out the door every year primarily for income support programs. Two-thirds of that budget was investing in the United States of America, growing the United States of America, focused on our kids, focused on our ports, focused on our schools, focused on our parks, focused on innovation and infrastructure.

Today, that same chart has been flipped. Two-thirds of the Federal budget is on autopilot, and only one-third is left to the discretion of this institution.

I say to my friends that I think more of us as a body than to say that we can't get this done. Fair enough if folks want to look back at history and say: But, ROB, we have been trying to get this done and we haven't gotten it done right yet.

I can see that is true. We have come closer together than we have ever come before. More than 50 percent of this body has been here 6 years or less. More than 50 percent of this body does not know of the failures. They only know of their desire to succeed, and that is why we have come closer than we have ever come before. Let's not punt today. Let's not concede failure today. Let's not decide that the President, whoever he or she may be next cycle, is going to know better than us tomorrow, better than our constituents tomorrow. Let's just do the job that we were sent here to do, and we have never been closer to celebrating that success together. I hope we will get there.

I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my very good friend who also is an appropriator.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS)—who I concur is my very good friend—for his leadership on behalf of Florida and particularly in protecting our beloved Everglades.

While I support the underlying bill because of the critical investments the Army Corps of Engineers will make at Port Everglades and in restoring the Everglades, I, unfortunately, rise today in opposition to the partisan fashion in which the Water Resources Development Act, or WRDA, has been brought to this floor.

I am proud the Central Everglades project, which is authorized by this bill, will provide over a billion dollars in Federal and non-Federal funds to continue the essential work of restoring the Florida Everglades.

The Everglades, which we call affectionately the River of Grass, is home to thousands of rare species and its survival relies on the flow of water and a high standard of water quality throughout our State of Florida.

Restoring historic water flow is not only critical for the Everglades and for its ecosystem, but it also boosts critical freshwater supplies that are essential to the daily lives of millions of

Floridians and the very future of a Florida we call home.

Additionally, I am proud that WRDA includes authorization for the Port Everglades—not the same—the Port Everglades harbor dredging project. This has been an almost astounding 20-year planning process. It shouldn't have taken that long, and we are thrilled that we are finally here.

The deepening and widening of the channels at Port Everglades will allow south Florida to receive cargo from larger ships, the post-Panamax cargo ships coming from the widened Panama Canal. That will create nearly 1,500 new jobs in south Florida and over 29,000 related jobs statewide through new commerce coming through the port.

However, I also want to reflect on the majority's obstructionism. For months, Democrats, led by Representative KILDEE, have urged the majority to help Flint and other communities that have been exposed to lead to fund the necessary repairs to water infrastructure, as well as replace that which has been corroded and allowed lead to leach into the water system.

I visited Flint in March and spoke to families exposed to lead in their water and whose children may have been exposed. As a mother of three children myself, I am outraged for those mothers in Flint who learned that the water their children have been drinking for months is dangerous and could have long-term effects on their children's development.

As Americans suffer, Republican leadership's continued recklessness—and specifically their refusal to include funding for Flint in WRDA—is unconscionable.

Have you no heart or soul? Do you not feel for someone else's children besides your own?

The tone deafness is astounding. The majority has even withheld a vote on the matter. They won't even let us vote, Mr. Speaker.

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

Mr. HASTINGS. Mr. Speaker, I yield an additional 1 minute to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the majority has even withheld a vote on the matter, refusing to rule in order Mr. KILDEE's amendment, the Families of Flint Act. They have no conscience. If they did, they would allow a vote.

Vote ''no,'' as I have said many times on this floor. Vote ''no.''

Have the courage of your convictions, but let the democratic process work. Trust this body. As the gentleman has just said on the harbor maintenance trust fund, trust this body to make the decision together. You can't have it both ways. You either trust this body to cast their votes accordingly or you don't. You can't pick and choose because you are playing politics with the lives of children if you do.

For this reason, I urge a ''no'' vote on the rule.

Mr. WOODALL. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SANFORD), who represents the Port of Charleston that we saw on the map earlier.

Mr. SANFORD. Mr. Speaker, I want to first commend the gentleman from Georgia (Mr. WOODALL) for what he has done on this bill. It would take the wisdom of Solomon to get all the competing interests and all the competing views perfectly happy on this bill.

What I think the gentleman has done in the Rules Committee is to recognize that this is a bill that cannot wait. It is a bill whose time has come. He has absolutely the courage of his convictions. He has got a whole lot of heart and a whole lot of soul, and he has worked with other Members to say this is a bill as best constructed as we can get it and we have got to move.

The question on the underlying bill that I think Ranking Member DEFAZIO and Chairman SHUSTER have worked so hard on is one that is complex in nature but incredibly simple in what it produces. It produces a couple of things that, I think, are worth consideration.

First, it produces something that has everything to do with what Mr. WOODALL was just talking about on the way that our budget used to be configured. There used to be a budget in the United States that was built around what are we going to do, what are we going to invest in our country to make our country more competitive. We have gone on to an entitlement budget that both the Republican and Democratic side would say doesn't work for a lot of folks out there and is a financial train wreck.

I thought it was fascinating, in fact, that Mario Draghi, who is the head of the European Central Bank, said in Brussels yesterday that it is ''not enough for delivering real and sustainable growth in the long term'' if we continue down this road of low interest rates. In fact, he said a continued path of low interest rates has harmful side effects.

I think we have seen that with a lot of retirees out there. A lot of folks who have pension plans that are depending on what comes next in financial markets are being hurt with this financial engineering. What he said, in short, was to be competitive in the world economy, you cannot continue to rest on this notion of financial engineering as a way to get you there.

So what this bill is ultimately about, as Mr. WOODALL was just pointing out, we have got to move from the European Central Bank's financial engineering as the way in which we are supposedly competitive as an economy and go back to the basics, back to the basics of where we are on tax policy, back to the basics of where we are on regulatory policy, back to the basics on spending, taxes.

Go down the list, but among the things on that list is this notion of investing in infrastructure. It is important not only in terms of making our economy more competitive; it is also important if you care about the debt and deficit. The only way we can close that gap is not spending restraint, but also by growing the economy; and that this is, in fact, a linchpin to growing the economy and, therefore, it cannot wait.

I think he also recognizes what Thomas Friedman talks about in this so-called flat world that we live in; that it is an increasingly competitive world. I thought it was interesting that Hillary Clinton mentioned last night in the debate that 95 percent of the folks in the world live out there and 5 percent live in the United States, and we have got to trade with them. And disproportionately, the way in which we trade, almost 90 percent of what we buy in markets around this country got here by container.

So we have got to go about this business of upgrading our port facilities, for instance. That is why I think that, as Representative WASSERMAN SCHULTZ was just mentioning, it is important what is happening in Port Everglades. It is important what is happening in the port in Miami. It is important to what is happening in the port in Lake Charleston.

Do I have a hometown component to the fact that I like Charleston and South Carolina?

Yes. But it has everything to do with the growth of the region based on the Panama Canal being widened and based on post-Panamax-sized ships coming to the East Coast, Gulf Coast, and West Coast ports in this country. To be competitive, we have got to be continuing this process on a regular basis of upgrading our infrastructure.

□ 1315

Finally, this is about a change in process, if you look at the underlying bill. The Founding Fathers talked about e pluribus unum—from the many, one—and too often we have gotten away from that; we have gotten to a Balkanized look at the way districts work.

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

Mr. WOODALL. Mr. Speaker, I yield an additional 1 minute to the gentleman from South Carolina.

Mr. SANFORD. Mr. Speaker, we have got to go about looking at the national needs of this country as opposed to just the regional needs or the local needs.

We got off on the notion of earmarks, and at times our answer is just to cede to the executive branch that deliberation. I think that what this bill correctly does is it pulls back to Congress that which the Constitution vested with the Congress in deliberation of these kinds of matters, which makes it incredibly important.

Mr. HASTINGS. Mr. Speaker, would you advise both of us how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 12 minutes remaining. The gentleman from Georgia has 10 minutes remaining.

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

If we defeat the previous question, I am going to offer an amendment to the rule to bring up a desperately needed $220 million aid package for the people of Flint, Michigan, who have been without clean drinking water for the last 2 years.

Mr. Speaker, we have known about this manmade catastrophe for more than a year, and we didn't give the waiver last night to Mr. KILDEE's amendment. We have provisions to deal with manmade catastrophes dealing with a variety of issues, prominent among them when a freight rail goes off the tracks and causes their freight, that may very well be harmful to a community, to pollute that community. We act, as we should have here.

The Republican majority continues to do nothing about this, hiding behind House rules to block funding and justify its inaction. I really don't understand it. I said last night to all of our colleagues, if it was any one of our communities—and I might add a footnote right there, there are other communities in the United States of America that do have problems with lead poisoning, and it augurs well that we should consider them as well. However, we all know the circumstances of Flint, Michigan.

Mr. Speaker, American families are being poisoned by lead-contaminated water. When that happens, we have a moral responsibility to act now. We can't wait any longer. I have heard around here that it is a local and a State responsibility. Well, if that is the case, we need to shut this institution down because everything, then, would be a local and a State responsibility, and all of our infrastructure issues of consequence would be a State and a local issue, as they are, but the Federal Government has responsibilities as well.

While there is enough blame to go around about Flint, the simple fact of the matter is—and I am sure the next speaker will point it out—the United States Senate has seen, in its wisdom, 95–3 they have voted—95–3—to provide the $220 million, which is nothing more than a start to try and do what is necessary in order for people to be uplifted. This is an area of our country, if we were talking 40 years ago, that was a driving engine of this country, that portion of Michigan.

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

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), my friend who has worked tirelessly on behalf of his constituents, to discuss our proposal. I find it shameful that he has to once again come here and ask for what we could have done in the Committee on Rules last night by giving him the necessary waiver for his amendment to be put on the floor and at least voted on.

Mr. KILDEE. Mr. Speaker, I thank my friend, Mr. HASTINGS, so much for his kind words, for yielding, and for his unyielding support for the people of my home community. It means a lot to me.

I rise in opposition to the previous question so that I can bring up something that I hoped I was going to be able to bring up through the amendment process or could have been inserted in this bill in the first place, and that is the relief for the people of Flint that, as my friend said, passed the United States Senate 95–3. And yet at every turn, the Republican leadership in this body finds a reason, some kind of an excuse, or some kind of technicality to prevent us from providing help to a whole city that has been poisoned and continues to have water that is unsafe to drink.

This is a water resources bill. The Speaker said that, no, it shouldn't be in the continuing resolution, this help for Flint; it should be in WRDA. The majority leader, Mr. MCCARTHY, said this should come up in WRDA. So last night, I went to the Committee on Rules, offered the amendment to put the language in WRDA, and on a party line vote, of course, the answer was no, nothing for the people of Flint, a city that is being poisoned by its own water. The Federal Government has the opportunity to help. Nothing.

When the Speaker said that this is where the conversation should take place on Flint, I assumed that that meant a conversation would take place and we could debate the merit of this paid-for provision to help the people of Flint. But the conversation, I suppose, that the Speaker anticipated went something like this: No, nothing for Flint, end of conversation. That is shameful. What are we here for, for God's sake? Why do we come to this place if not to do the work of the American people?

We have waived the rules in this Congress—not just since I have been here, but in this 114th Congress—to make way for legislation that needs to come to the floor because it was someone's priority 249 times. Twice in this rule we waived the rules of the House of Representatives in order to get legislation to the floor.

Let me ask a question. If there is ever a time when we ought to do everything we can, including waiving a point of order, it would be to take up relief for a city that is drinking poison, relief that the Senate has already passed 95–3. But what do the people of Flint get? Lipservice. Nothing. Excuses. It is a shame.

This is the Congress of the United States. Let me give you a civics lesson for those of you who may be listening. The city of Flint happens to be in the United States of America. We have an obligation to all Americans. So when Mr. HASTINGS is confused, I share that confusion. What is it? Why is it that the majority will do backflips to bend the rules, to break the rules, to amend the rules, and to waive the rules to achieve whatever their particular goal might be? But, no, when it comes to the people of Flint, you are on your own.

Mr. HASTINGS. Will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Florida.

Mr. HASTINGS. Is the $220 million that the Senate passed 95–3 paid for?

Mr. KILDEE. It is fully paid for.

I thank the gentleman for the question. Fully paid for.

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

Mr. HASTINGS. Mr. Speaker, I yield an additional 1 minute to the gentleman.

Mr. KILDEE. So we have a fully paid-for provision. There is no excuse. It will not increase the deficit. So it does beg the question: Why? Or a better way to put it: Why not?

I have to admit, Mr. Speaker, I am coming to a conclusion that I don't want to come to, that the leadership in this House, when they think about Flint or when they look at Flint, sees something different. They don't see American citizens. They don't see people in need. But there is something about this poor community, this poor majority minority community that exempts them from the kind of help that we have provided time and time again to people in crisis in this country.

I hate to come to the conclusion that there is something about these people that causes this Congress to decide they don't deserve that help. That is a shame.

Mr. WOODALL. Mr. Speaker, I am so incensed by that presentation. I know my friend is passionate for his folks. I live in a majority minority county. And if you want to know, if any folks are watching this, and they want to know why we can't get things done together, they could use that presentation as the expose of why we are divided instead of united.

How dare you suggest that folks don't care about your community. How dare you suggest that race is the basis of this. How dare you, when I sat in my committee working on this issue hour after hour and not one Member brought this up, not one Member brought this to the committee.

I am incensed. Mr. Speaker, we owe each other better than that. You all are better than that. This institution is better than that. I know the gentleman is passionate, but that kind of vitriol is not going to get us to where I know you and I both want us to be.

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

Mr. HASTINGS. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I appreciate and understand the gentleman's comment. My point is this: Prove me wrong. Prove me wrong. You have it in your power to take up this legislation. It is not me who is blocking this legislation. I don't want to come to this conclusion. It is very difficult to, time and time again, take this question to the floor of the House and wonder why Flint is exempt.

Sympathy does not get anywhere. I understand there is all sorts of sympathy for the people of Flint. Well wishes. But when it comes time to act, when it comes time to actually do something for this community, nothing.

Mr. WOODALL. Mr. Speaker, I would say to my friend from Florida, I do not have any further speakers remaining, and I am prepared to close if he is.

I reserve the balance of my time.

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

Mr. Speaker, I was happy to see the Committee on Transportation and Infrastructure work in such a bipartisan way to address the water infrastructure needs of our Nation. I applaud the chairman and ranking member and all of the members on the committee for negotiating a measure that they were able to report favorably by voice vote. I am also especially happy to see so many important projects from my State included in the measure.

However, leadership has once again proved that they are unable to free themselves from the chains of partisanship and have, therefore, scuttled a bipartisan bill that came out of committee on voice vote, and they did so at the last possible moment.

The American people, many of them, are sickened by and tired of the games that we play here in the House of Representatives. All of the American people deserve better.

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

□ 1330

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

Mr. Speaker, I want to start by picking up where my friend from Florida left off, and that is that this was an amazing work product that came out of the Transportation and Infrastructure Committee.

I love serving on the Transportation and Infrastructure Committee. We have got a lot of good men and women from all across the country on it; and, yes, we are able to come together and do things that perhaps other committees in this House could not come together and do.

That doesn't happen on its own. I want to recognize all the folks—not just the members on the committee—like Geoff Bowman, Matt Sturges, and Collin McCune, who serve in a staff role on that committee, bringing all of this paperwork together so that we can get about the people's business.

Mr. Speaker, we have talked about a lot of different things in this rule to deal with the WRDA bill. Most of them don't have anything to do with the WRDA bill. Folks don't know back home. My friend from Florida is absolutely right. People are sick and tired of the games they see going on in Washington. As my friend knows, committee jurisdiction isn't a game. It is the rules that we play by in order to get work done, in order to make sure that subject matter experts are working on individual pieces of legislation.

I sit on Transportation and Infrastructure. I am a subject matter expert on Transportation and Infrastructure. I have absolutely no jurisdiction over the EPA or clean drinking water at all, and I don't have any expertise over it. I don't have any expertise.

When my friend from Michigan asked why more isn't being done, I don't know. I look at a CNN article about my hometown of Atlanta that says our drinking water infrastructure is being delivered with pipes constructed in the 1800s. I look at a report from CNN that says 4,500 drinking water facilities across this country are failing the EPA lead test today—that is 4,500.

I don't know why the folks with jurisdiction over those issues are not at work on it. Do I think the EPA bears responsibility for letting folks, as the articles go on to say, cheat with impunity, that it just became a culture in local drinking waters that you could misreport and the EPA would just wink and nod and go along with it? Is there blame to go around, as my friend from Florida said? Of course, there is.

One of the great surprises, Mr. Speaker, of coming to serve in this body is the caliber of the men and women that I have gotten to serve with. I get to read the reports on TV about Congress playing games, about partisanship, about folks who don't care about one another, and I know it is not true. I get to read about folks who care only about feathering their own nest or pursuing their own career, who don't care about serving men and women in their times of need, and I know that it is not true. I hear about folks who would rather put party above people, and I know that it is not true. That is because I know him, I know him, and I know him, and right on down the line.

This bill, Mr. Speaker, is not going to solve all of the ills of this country. It is not even going to solve a large part of them. It is going to solve one little part as it deals with the critical water infrastructure of our ports and waterways on which so many millions of American jobs depend.

I don't propose that we pass this rule and pass the underlying bill and absolve ourselves of any other responsibility. I propose that we pass this rule and we pass this underlying bill so that we can get about the rest of our responsibilities. One issue at a time, Mr. Speaker, working together, Member to Member, community to community, we would amaze the American people with what we could get done.

I urge all my colleagues to support this rule; support the underlying bill.

Mr. SESSIONS. Mr. Speaker, H. Res. 892, the special order of business governing consideration of H.R. 5303, the Water Resources Development Act of 2016, included a prophylactic waiver of points of order against the amendments made in order in House Report 114–790. The waiver of all points of order now includes a waiver of clause 9 of rule XXI, which requires that if a sponsor of the first amendment as designated in a report of the Committee on Rules to accompany a resolution sits on a committee of initial referral, that sponsor must have a list of congressional earmarks, limited tax benefits, or limited tariff benefits in the amendment to be printed in the CONGRESSIONAL RECORD prior to its consideration. However, it is important to note that the sponsor of amendment 1 in the committee report has since submitted the required statement.

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

AN AMENDMENT TO H. RES. 892 OFFERED BY MR. HASTINGS

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution, the amendment submitted by Representative Kildee of Michigan for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII dated September 27, 2016, shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Kildee of Michigan or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

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

The SPEAKER pro tempore. 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. HASTINGS. 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.

PROVIDING FOR CONSIDERATION OF H.R. 954, CO-OP CONSUMER PROTECTION ACT OF 2016

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 954) to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

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

Mr. BURGESS. 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. BURGESS. 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 Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 893 provides for consideration of H.R. 954, the CO-OP Consumer Protection Act of 2016. The rule provides 1 hour of debate, equally divided among the majority and minority of the Committee on Ways and Means. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules made no further amendments in order; however, the rule affords the minority the customary motion to recommit.

Under the rule, we will be considering a bill to prevent a tax increase imposed on the American people by the Affordable Care Act. This will affect many Americans through no fault of their own and due to circumstances beyond their control. The bill advanced through regular order and was reported favorably out of the Committee on Ways and Means on a voice vote earlier this month.

The Affordable Care Act established a program to provide taxpayer-funded loans for Consumer Operated and Oriented Plan program, better known as the CO-OP program. The Centers for Medicare and Medicaid Services funded 24 CO-OPs in 23 States. Of those 24 CO-OPs, 1 failed before it ever enrolled a single individual, and just 6 remain open today. The 17 failed CO-OPs received over $1.8 billion in taxpayer funds and, to date, none of those CO-OPs has paid back any of those loans.

In addition to wasting billions of taxpayer dollars, the CO-OPs have created instability and hardship for hundreds of thousands of individuals who relied on CO-OPs for insurance coverage. Under the Affordable Care Act, individuals must be covered by a health plan that provides minimum essential coverage or pay a tax for failure to maintain coverage. Thus, victims of failed CO-OPs were penalized, despite their efforts to be in compliance with the law.

The magnitude of this problem for affected individuals is significant. They are left without coverage for health care. They face increased financial burdens and tax penalties. H.R. 954, the CO-OP Consumer Protection Act of 2016, would provide targeted relief by creating an exemption from the individual health insurance mandate for individuals who have coverage under a CO-OP that fails.

H.R. 954 would be effective retroactively, starting January 1, 2014, and would also protect consumers of the remaining six CO-OPS going forward. While the administration and some of my counterparts have noted that consumers affected by a close CO-OP could have purchased new plans during a special enrollment period, this comes up short. Those victims of failed CO-OPs had to start anew in paying deductibles for a new plan well into the coverage year, and continuity of care could be significantly disrupted, based on changes to provider networks.

H.R. 954 does not make these individuals whole, but it is the right thing to do. Across America, individuals do not even have the basic assurance that their insurance carrier will not simply vanish in the night. We should all be able to agree that these individuals should not also then face penalties under the individual mandate.

H.R. 954 advanced through regular order and was favorably reported out of the Committee on Ways and Means. I urge my colleagues to support this legislation.

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

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

Here we are again, Mr. Speaker, discussing a bill that, whatever its merits and noble intentions are, of course, of trying to hold harmless the victims of organizations that go out of business, will meet a veto.

The Statement of Administration Policy says, if the President were presented with H.R. 954, he would veto the bill. That is the strongest kind of veto message that we get. Sometimes they say his advisers say he might or he is going to consider it. It says he would veto it.

So here we are again, in the precious little time that this body has before it sends everybody back to their district, when we could be addressing Zika, when we could be addressing Flint, when we could be addressing immigration reform, when we could pass a balanced budget amendment, or any of those things that I hear from my constituents every day. Instead, we are pursuing a bill that won't become law.

This bill will not become law. The President has indicated he would veto

it. So we are just taking up the time of this body to debate a bill that affects people in a few States. Of course, I understand Iowa and Nebraska share one of the CO-OPs that went out of business. New York and Oregon are the others.

I hail from a State where the CO-OP went out of business. I would add that it went out of business, with the actions of State regulators, at the right time, namely, before the enrollment period.

So the question I brought before the Rules Committee yesterday, and I think it is very important for anybody who supports this bill to answer: Why did the State regulators in those States allow those CO-OPs to fail midperiod? Why weren't they ahead of the curve in those States to make sure that, if they had to fail, they did so in an orderly manner prior to the enrollment period? It is irresponsible of State regulators to allow insolvent plans into the marketplace.

Instead of discussing that and instead of launching an investigation into that, instead of having a GAO report on that, we are just doing a bill that effectively bails them out. Another Republican taxpayer bailout bill that we have before us today.

I have always been a big fan of the CO-OPs. In fact, the Consumer Operated and Oriented Plan program was created to support the development of nonprofit health insurance options in the individual marketplace. They face a lot of challenges. And, sadly, in fact, we wouldn't even be dealing with the fact that 17 of them have gone out of business if the Republicans hadn't put a provision in the omnibus in 2016—which I was proud to oppose for this reason, among many others—that defunded the healthcare CO-OPs.

So they already did an attack on the Affordable Care Act by defunding the CO-OPs; and now they are saying we want to bail them out. Of course, you want to bail them out now. You are responsible for letting them fail in the first place.

Look, there are a lot of questions to answer before this body moves forward with this failed Republican bailout bill, namely, where were the State regulators?

□ 1345

Why did they let these fail mid-cycle instead of, as they did in my State, before the enrollment period ended?

Number two, why did you defend them in the first place? Didn't you know that you would probably have to bail them out if you did?

And the third question I brought up in the Rules Committee is, why are we even just talking about CO-OPs? What about if for-profit insurance companies go out of business? Are we going to bail out those consumers, too?

Now, I haven't seen that that has happened yet, but, look, these are private companies; it is only a matter of time until some company makes bad decisions and goes bankrupt and leaves its customers in the lurch.

Now, it is the job of State regulators to try to actuarially make sure that those companies are sound and solvent; and if they are going to disqualify one, to do so before the enrollment period, not midterm.

But let's be honest. Bad things happen, and probably someday a company will go out of business in the middle of a term, despite the best efforts of State regulators.

And what about those customers, and why would they be treated any differently than the customers of CO-OPs?

Look, in the three States where the CO-OPs did close down mid-session because of the ineffectiveness of State regulators, rather than proposing a Republican taxpayer bailout, we should simply point people to alternative insurance options. In fact, CO-OPs contacted every customer over 20 times to assist with the process of finding a new plan by e-mail, mailer, and phone. And in the event the available premiums were too expensive, the Affordable Care Act already has what they call a hardship exemption, where families can avoid paying any penalty. Just as they do under this bill, they can do it without this bill as well.

In the three instances where CO-OP plans were terminated in the middle of the year, the set of circumstances that this Republican taxpayer bailout bill is designed to address, it appears that individuals had ample time and options to find new coverage, even if their own State regulators were asleep at the switch, and it does not mean that the rest of us, that I have to go back to honest, hardworking Coloradans and say, sorry, you have to bail out the Republican Congress and their failure to include in the omnibus a plan to maintain the solvency of the CO-OPs.

The financial penalty for forgoing coverage is one of the primary incentives for what we call RomneyCare, or some call ObamaCare. By circumventing the individual mandate, H.R. 954 undermines an essential component of what was known as the Massachusetts plan, which is now the Affordable Care Act.

But as we know, over 20 million Americans have obtained health insurance, many for the first time. I am proud to say that in my home State of Colorado, while we have a number of issues with regard to the Affordable Care Act, one positive indicator that we can point to is that the rate of individuals without insurance has dropped by half. It is now a historically low 6.7 percent. It has never been that low in the history of Colorado. For Colorado children, the uninsured rate is even lower, 2.5 percent.

So nationwide, as we know, there are a lot of elements of the Affordable Care Act that are very popular and important to maintain. No one should be denied coverage for having a preexisting condition. Young adults can afford health insurance by staying on their parents' plan.

The individual mandate is the flip side of making sure that people aren't discriminated against because of preexisting conditions. You can't have only a high-risk pool. You have to make sure that healthy people are in the pool to keep the rates low for everybody. That is the fundamental model that went into RomneyCare, and it was later adopted as a bipartisan concept.

In addition, individuals have access to preventative services, affordable prescription drugs, and are no longer subject to lifetime caps that can leave them bankrupt if they have a serious illness. I have heard from a number of constituents for whom that is very important.

So, look, every law can use improvement. There is no doubt about that. I was very strongly against the language in the Omnibus in 2016 that led to these CO-OPs going out of business and led to this Republican bailout package. And the Affordable Care Act, of course, can be improved.

So instead of discussing ways to roll back the successes of the Affordable Care Act or do massive bailouts, we should be discussing ways that we can make the law work better and prevent the need for bailouts moving forward.

To this end, I, along with many of my colleagues, have been a long-time supporter of establishing a public health insurance plan option. A public health insurance plan option would go a long way to revitalizing the individual marketplace through increased competition.

In 2010, I led an effort with my colleague from Maine, Representative CHELLIE PINGREE, to encourage Senator REID to consider a public option in the health care reform legislation that was being drafted. And I have continued to call for a public option even after the Affordable Care Act passed. It has been scored to have reduced the deficit by over $200 billion and it would help the constituents in my district, particularly in our mountain areas, by providing a more affordable option within the individual exchange.

I am proud to be a cosponsor of Representative SCHAKOWSKY's H.R. 265, the Public Option Deficit Reduction Act, which would require HHS to set up a public health insurance option. I would point out that this Republican bailout plan increases the deficit. Right? Small amount, small amount.

You have the figures, my friend from Texas. I think—was it $40 million? How much does this bill increase the deficit? 12 million?

Very small amount, right; but still the wrong way.

The plan that I am supporting and that many Democrats support would reduce the deficit by $200 billion.

So if the Republicans continue to go down this road of bailouts, large and small, we are going to bankrupt this country. We are already $20 trillion in debt. We have a deficit of half a trillion dollars. Yes, every little bit matters.

Again, the amount is small of this Republican bailout that increases the deficit; but we could be going another path which is fiscally responsible, increases consumer choice, and brings down costs.

Furthermore, since this bill will be vetoed anyway and this isn't going to become law, it is hardly worth the time to discuss. What we should be talking about are the very real public health crises. Indeed, public health, health-related bill, let's talk about health.

Let's talk about the fact that it has been over a year since Flint administrators first became aware of toxic levels of lead in the water of the city, which still exist; and over that time the body has sat on its hands, day after day, week after week. Exposure to lead is very harmful to children who are at significantly elevated risk of damage to their nervous system, learning disabilities, impaired development, that not only are crises for them and their families, but ultimately will cost taxpayers even more over time. Yet, Congress hasn't allocated any help to even replace the pipes in Flint while children in the community are still using bottled water to drink and bathe, at great expense, I might add.

Bottled water, for those of you who drink bottled water—Mr. Speaker, I don't know if you do—you know it is quite expensive, right?

Better to drink water out of your tap. Let's fix the underlying condition.

Then, of course, we have the Zika crisis. Nineteen thousand Americans have contracted the virus so far this year; 1,800 of those Americans are pregnant women who have an elevated risk of having associated consequences for their children, including microcephaly. Funding is essential to reduce the building diagnostic backlog and develop a method of testing, a vaccination, and better ways to address this health crisis as it spreads across Florida, south Texas, and the Caribbean.

But instead of debating Zika or Flint or even a continuing resolution to keep the government open past Friday—which we haven't spent a moment on yet even though Government funding runs out Friday—or a bipartisan balanced budget amendment or any of the other great ideas that have been brought forward in a bipartisan way, instead of doing any of that, a symbolic bill will be met by a veto, yet another Republican bailout that costs taxpayers and increases the deficit.

We have a bill that does nothing, that won't become law. It is a part of a wider effort to increase the deficit and force hardworking taxpayers in Colorado to bail out the failures of State regulators in four States.

Mr. Speaker, this bill adds to the deficit. It undermines a component of the Affordable Care Act. It doesn't even address the failure of State regulators. It doesn't even address the fact that a policy that Republicans put in the 2016 Omnibus has led to the need for this bailout. Simply put, this is not part of the solution.

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

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

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up the bipartisan no fly, no buy legislation. It would allow the Attorney General to bar the sale of explosives and firearms to those on the FBI's terrorist watch list.

Republicans have refused to act on this commonsense legislation. Some of you might have heard at the debate yesterday that both Presidential contenders from both parties support this legislation. It is common sense.

If we don't let somebody fly on an airplane, if they are on the terrorist watch list, why would we let them quietly assemble an arsenal?

We need to check it out. Of course, if they are wrongly put on that list, of course let's have a way to get them off that list right away. So if they have a legitimate reason to buy a gun and they are not a terrorist, they shouldn't be on that list. But not buying a gun is the least of their inconveniences. If they are on that list, they can't even fly in most cases.

Yet, Republicans continue to fail to act on this commonsense legislation despite being supported by Donald Trump, by Hillary Clinton, by many other leaders of both parties.

We have the opportunity, if I can defeat the previous question with this vote, to actually take action and close this glaring loophole that allows terrorists to buy firearms and explosives right now in this country.

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. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, again, rather than have this Republican bailout bill that increases the deficit, we could be discussing making it harder for terrorists to buy explosives and assemble arsenals. Okay?

That is the choice we have in this vote. It is a choice I am willing to make, Mr. Speaker. It is a choice that every Member will be called upon to make when they vote ''yea'' and they say, Let's do a bailout that increases the deficit, or they vote ''nay'' and join me and say, You know what, let's make it harder for terrorists to buy explosives and firearms, a policy supported by both Donald Trump and Hillary Clinton.

That is the choice we will have in moments, and it is one I urge my colleagues on both sides of the aisle to think deeply about before they cast their ''yes'' vote or before they cast their ''no'' vote.

Mr. Speaker, we have three calendar days left in this fiscal year, and our limited legislative time is not being spent well. We could be devoting our last few days to addressing Zika, to making it harder for terrorists to assemble arsenals, to addressing the disaster in Flint, Michigan, to stem the tide of opioid addiction ravaging this country and so many families that I have heard from in Colorado.

None of these public health crises will be addressed if we don't consider a bill to keep the government open beyond September 30; instead, we are considering yet another Republican bailout—increases the deficit, unnecessary, and lets State regulators off the hook, bails them out.

H.R. 954 implements an unnecessary, uncalled-for exemption, distracts us from the real conversations we should be having about how we can make health care more affordable and how we can reduce our budget deficit. This bill is simply an irresponsible process. I urge my colleagues to oppose this rule.

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

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

First off, just to correct the record, I was asked about the budgetary effect of this bill, and it is negative $4 million over the next 10 years.

Congress did not defund the CO-OPs. The risk corridor program that was passed by this Congress in 2010, associated with the Affordable Care Act, was never fully funded in the first place.

This bill under our consideration today does not bail out anyone. It does not bail out the CO-OPs. It eliminates a penalty—a penalty imposed on consumers who did everything they could to comply with the law known as the individual mandate under the Affordable Care Act.

Look, if I ran the zoo, I would get rid of the individual mandate tomorrow. These individuals, under the individual mandate, covered by insurance which they were forced to purchase, and then goes bankrupt, through no fault of their own, they are going to get penalized for not having coverage. It is almost Kafkaesque in its design.

State legislators have virtually no control over the CO-OPs. Control of the business model is completely centralized within the Centers for Medicare and Medicaid Services. The CO-OP model was fundamentally unsound from the start, another example of this administration's propensity to conduct dangerous experiments with our Nation's health care. Yet, the Centers for Medicare and Medicaid Services has continued to stand in the way of the flexibility that the co-ops actually need to become fiscally sustainable.

Mr. Speaker, today's rule provides for the consideration of this important bill to provide relief for a tax increase looming over Americans who tried, tried, and tried to follow the rules of the Affordable Care Act and, yet, have

been let down by this administration's failed policies.

I certainly thank Mr. SMITH on the Ways and Means Committee for proposing this legislation and shepherding it through the committee process.

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

AN AMENDMENT TO H. RES. 893 OFFERED BY MR. POLIS

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

SEC. 2. 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. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. 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 the Judiciary. 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. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

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

The SPEAKER pro tempore. 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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 893, if ordered;

Ordering the previous question on House Resolution 892; and

Adoption of House Resolution 892, if ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 176, not voting 11, as follows:

[Roll No. 559]

YEAS—244

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—176

Adams
Aguilar
Ashford
Bass
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda

Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—11

Beatty
Duckworth
Granger
Hinojosa
Payne
Pelosi
Poe (TX)
Rush
Sanchez, Loretta
Speier
Westmoreland

□ 1422

Messrs. LARSEN of Washington, MURPHY of Florida, and AL GREEN of Texas changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ROTHFUS). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 11, as follows:

[Roll No. 560]

YEAS—243

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—177

Adams
Aguilar
Ashford
Bass
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—11

Beatty
Duckworth
Hinojosa
Pascrell
Payne
Pelosi
Poe (TX)
Rush
Sanchez, Loretta
Speier
Westmoreland

□ 1430

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5303, WATER RESOURCES DEVELOPMENT ACT OF 2016; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 892) providing for consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of motions to suspend the rules; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 178, not voting 10, as follows:

[Roll No. 561]

YEAS—243

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan

Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—178

Adams
Aguilar
Ashford
Bass
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Beatty
Duckworth
Hinojosa
Payne
Pelosi
Poe (TX)
Rush
Sanchez, Loretta
Speier
Westmoreland

□ 1437

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 180, not voting 10, as follows:

[Roll No. 562]

AYES—241

Abraham
Aderholt
Allen
Amodei
Babin
Barletta
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—180

Adams
Aguilar
Amash
Ashford
Bass
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huelskamp
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton

Murphy (FL)	Ruiz	Thompson (MS)
Nadler	Ruppersberger	Titus
Napolitano	Ryan (OH)	Tonko
Neal	Sánchez, Linda T.	Torres
Nolan	Sarbanes	Tsongas
Norcross	Schakowsky	Van Hollen
O'Rourke	Schiff	Vargas
Pallone	Schrader	Veasey
Pascrell	Scott (VA)	Vela
Perlmutter	Scott, David	Velázquez
Peters	Serrano	Visclosky
Peterson	Sewell (AL)	Walz
Pingree	Sherman	Wasserman Schultz
Pocan	Sinema	Waters, Maxine
Polis	Sires	Watson Coleman
Price (NC)	Slaughter	Welch
Quigley	Smith (WA)	Wilson (FL)
Rangel	Swalwell (CA)	Yarmuth
Rice (NY)	Takano	
Richmond	Thompson (CA)	
Roybal-Allard		

NOT VOTING—10

Beatty	Pelosi	Speier
Duckworth	Poe (TX)	Westmoreland
Hinojosa	Rush	
Payne	Sanchez, Loretta	

□ 1444

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SPEIER. Mr. Speaker, due to a conflict, I unavoidably missed the following votes on September 26 and 27.

Had I been present, I would have voted as follows:

On rollcall No. 557, I would have voted "nay" (September 26) (On Motion to Suspend the Rules and Pass as Amendment H.R. 3537, the Dangerous Synthetic Drug Control Act.)

On rollcall No. 558, I would have voted "yea" (September 26) (On Motion to Suspend the Rules and Pass H.R. 5392, the No Veterans Crisis Line Call Should Go Unanswered Act.)

On rollcall No. 559, I would have voted "nay" (September 27) (H. Res. 893, On Ordering the Previous Question Providing for consideration of H.R. 954, the CO-OP Consumer Protection Act of 2016.)

On rollcall No. 560, I would have voted "nay" (September 27) (H. Res. 893, On Agreeing to the Resolution Providing for consideration of H.R. 954, the CO-OP Consumer Protection Act of 2016.)

On rollcall No. 561, I would have voted "nay" (September 27) (H. Res. 892, On Ordering the Previous Question for H.R. 5303, the Water Resources Development Act of 2016.)

On rollcall No. 562, I would have voted "nay" (September 27) (H. Res. 892, On Agreeing to the Resolution for Providing consideration of H.R. 5303, the Water Resources Development Act of 2016.)

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2015

Mr. WALDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 253) to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 253

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 ''Federal Communications Commission Consolidated Reporting Act of 2015''.

SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

''SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

''(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

''(b) CONTENTS.—Each report required under subsection (a) shall—

''(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

''(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment;

''(3) assess whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; and

''(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3).

''(c) EXTENSION.—If the Senate confirms the Chairman of the Commission during the third or fourth quarter of an even-numbered year, the report required under subsection (a) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by March 1 of the following odd-numbered year.

''(d) SPECIAL REQUIREMENTS.—

''(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

''(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall include a list of geographical areas that are not served by any provider of advanced telecommunications capability.

''(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).

''(e) NOTIFICATION OF DELAY IN REPORT.—If the Commission fails to publish a report by the applicable deadline under subsection (a) or (c), the Commission shall, not later than 7 days after the deadline and every 60 days thereafter until the publication of the report—

''(1) provide notification of the delay by letter to the chairperson and ranking member of—

''(A) the Committee on Energy and Commerce of the House of Representatives; and

''(B) the Committee on Commerce, Science, and Transportation of the Senate;

''(2) indicate in the letter the date on which the Commission anticipates the report will be published; and

''(3) publish the letter on the website of the Commission.''.

SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103(b)(1) of the Broadband Data Improvement Act (47 U.S.C. 1303(b)(1)) is amended by striking ''the assessment and report'' and all that follows through ''the Federal Communications Commission'' and inserting ''its report under section 13 of the Communications Act of 1934, the Federal Communications Commission''.

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended—

(1) in paragraph (1), by striking ''annually publish'' and inserting ''publish with its report under section 13 of the Communications Act of 1934''; and

(2) in paragraph (2), in the heading, by striking ''ANNUAL''.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 9(i), by striking ''In the Commission's annual report, the Commission shall prepare an analysis of its progress in developing such systems and'' and inserting ''The Commission''; and

(B) in section 309(j)(8)(B), by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—

(1) IN GENERAL.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 4—

(i) in subsection (b)(2)(B)(ii), by striking ''and shall furnish notice of such action'' and all that follows through ''subject of the waiver''; and

(ii) in subsection (g)—

(I) by striking paragraph (2); and

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

(B) in section 215—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b);

(C) in section 227(e)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(D) in section 303(u)(1)(B), by striking ''section 713(f)'' and inserting ''section 713(e)'';

(E) in section 309(j)—

(i) by striking paragraph (12);

(ii) by redesignating paragraphs (13) through (17) as paragraphs (12) through (16), respectively; and

(iii) in paragraph (14)(C), as redesignated—

(I) by striking clause (iv); and

(II) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively;

(F) in section 331(b), by striking the last sentence;

(G) in section 336(e), by amending paragraph (4) to read as follows:

''(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.'';

(H) in section 338(k)(6), by striking ''section 396(k)(6)(B)'' and inserting ''section 396(j)(6)(B)'';

(I) in section 339(c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(iii) in paragraph (3)(A), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (1)''; and

(iv) in paragraph (4), as redesignated, by striking ''paragraphs (2) and (4)'' and inserting ''paragraphs (1) and (3)'';

(J) in section 396—

(i) by striking subsections (i) and (m);

(ii) by redesignating subsections (j) through (l) as subsections (i) through (k), respectively;

(iii) in subsection (j), as redesignated—

(I) in paragraph (1), by striking subparagraph (F);

(II) in paragraph (3)(B)(iii)—

(aa) by striking subclause (V);

(bb) by redesignating subclause (VI) as subclause (V); and

(cc) in subclause (V), as redesignated, by striking ''subsection (l)(4)(B)'' and inserting ''subsection (k)(4)(B)''; and

(III) in paragraph (5), by striking ''subsection (1)(3)(B)'' and inserting ''subsection (k)(3)(B)''; and

(iv) in subsection (k), as redesignated—

(I) in paragraph (1)(B), by striking ''shall be included'' and all that follows through ''The audit report''; and

(II) in paragraph (4), by striking ''subsection (k)'' each place that term appears and inserting ''subsection (j)'';

(K) in section 398(b)(4), by striking the third sentence;

(L) in section 399B(c), by striking ''section 396(k)'' and inserting ''section 396(j)'';

(M) in section 615(l)(1)(A)(ii), by striking ''section 396(k)(6)(B)'' and inserting ''section 396(j)(6)(B)'';

(N) in section 624A(b)(1)—

(i) by striking ''REPORT; REGULATIONS'' and inserting ''REGULATIONS'';

(ii) by striking ''Within 1 year after'' and all that follows through ''on means of assuring'' and inserting ''The Commission shall issue such regulations as are necessary to assure''; and

(iii) by striking ''Within 180 days after'' and all that follows through ''to assure such compatibility.''; and

(O) in section 713—

(i) by striking subsection (a);

(ii) by redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (j) as subsections (a), (b), (c), (d), (e), (f), (g), and (h), respectively;

(iii) in subsection (a), as redesignated, by striking ''subsection (d)'' each place that term appears and inserting ''subsection (c)'';

(iv) in subsection (b), as redesignated, by striking ''subsection (b)'' each place that term appears and inserting ''subsection (a)'';

(v) in subsection (c), as redesignated, by striking ''subsection (b)'' and inserting ''subsection (a)'';

(vi) in subsection (e)(2)(A), as redesignated, by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(vii) in subsection (f), as redesignated, by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

(2) CONFORMING AMENDMENTS.—

(A) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.—Section 6401(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1451(b)) is amended—

(i) in paragraph (1), by striking ''(15)(A)'' and inserting ''(14)(A)''; and

(ii) in paragraph (3), by striking ''(16)(B)'' and inserting ''(15)(B)''.

(B) TITLE 17.—Title 17, United States Code, is amended—

(i) in section 114(d)(1)(B)(iv), by striking ''section 396(k)'' and inserting ''section 396(j)''; and

(ii) in section 119(a)—

(I) in paragraph (2)(B)(ii)—

(aa) in subclause (I), by striking ''section 339(c)(3)'' and inserting ''section 339(c)(2)'';

(bb) in subclause (II), by striking ''section 339(c)(4)'' and inserting ''section 339(c)(3)''; and

(cc) in subclause (III), by striking ''section 339(c)(3)'' and inserting ''section 339(c)(2)'';

(II) in paragraph (3)(E), by striking ''section 339(c)(2)'' and inserting ''section 339(c)(1)''; and

(III) in paragraph (13), by striking ''section 339(c)(2)'' and inserting ''section 339(c)(1)''.

SEC. 4. EFFECT ON AUTHORITY.

Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.

AMENDMENT OFFERED BY MR. WALDEN

Mr. WALDEN. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. WALDEN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Communications Act Update Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. COMMISSION DEFINED.

In this Act, the term ''Commission'' means the Federal Communications Commission.

TITLE I—FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM

SEC. 101. FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM.

(a) IN GENERAL.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

''SEC. 13. TRANSPARENCY AND EFFICIENCY.

''(a) INITIAL RULEMAKING AND INQUIRY.—

''(1) RULEMAKING.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete a rulemaking proceeding and adopt procedural changes to its rules to maximize opportunities for public participation and efficient decisionmaking.

''(2) REQUIREMENTS FOR RULEMAKING.—The rules adopted under paragraph (1) shall—

''(A) set minimum comment periods for comment and reply comment, subject to a determination by the Commission that good cause exists for departing from such minimum comment periods, for—

''(i) significant regulatory actions, as defined in Executive Order No. 12866; and

''(ii) all other rulemaking proceedings;

''(B) establish policies concerning the submission of extensive new comments, data, or reports towards the end of the comment period;

''(C) establish policies regarding treatment of comments, ex parte communications, and data or reports (including statistical reports and reports to Congress) submitted after the comment period to ensure that the public has adequate notice of and opportunity to respond to such submissions before the Commission relies on such submissions in any order, decision, report, or action;

''(D) establish procedures for, not later than 14 days after the end of each quarter of a calendar year (or more frequently, as the Commission considers appropriate), publishing on the Internet website of the Commission and submitting to Congress a report that contains—

''(i) the status of open rulemaking proceedings and proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an order, decision, report, or action that has been on circulation for more than 60 days;

''(ii) for the petitions, applications, complaints, and other requests for action by the Commission that were pending at the Commission on the last day of such quarter (or more frequent period, as the case may be)—

''(I) the number of such requests, broken down by the bureau primarily responsible for action and, for each bureau, the type of request (such as a petition, application, or complaint); and

''(II) information regarding the amount of time for which such requests have been pending, broken down as described in subclause (I); and

''(iii) a list of the congressional investigations of the Commission that were pending on the last day of such quarter (or more frequent period, as the case may be) and the cost of such investigations, individually and in the aggregate;

''(E) establish deadlines (relative to the date of filing) for—

''(i) in the case of a petition for a declaratory ruling under section 1.2 of title 47, Code of Federal Regulations, issuing a public notice of such petition;

''(ii) in the case of a petition for rulemaking under section 1.401 of such title, issuing a public notice of such petition; and

''(iii) in the case of a petition for reconsideration under section 1.106 or 1.429 of such title or an application for review under section 1.115 of such title, issuing a public notice of a decision on the petition or application by the Commission or under delegated authority (as the case may be);

''(F) establish guidelines (relative to the date of filing) for the disposition of petitions filed under section 1.2 of such title;

''(G) establish procedures for the inclusion of the specific language of the proposed rule or the proposed amendment of an existing rule in a notice of proposed rulemaking; and

''(H) require notices of proposed rulemaking and orders adopting a rule or amending an existing rule that—

''(i) create (or propose to create) a program activity to contain performance measures for evaluating the effectiveness of the program activity; and

''(ii) substantially change (or propose to substantially change) a program activity to contain—

''(I) performance measures for evaluating the effectiveness of the program activity as changed (or proposed to be changed); or

''(II) a finding that existing performance measures will effectively evaluate the program activity as changed (or proposed to be changed).

''(3) INQUIRY.—Not later than 1 year after the date of the enactment of this section, the Commission shall complete an inquiry to seek public comment on whether and how the Commission should—

''(A) establish procedures for allowing a bipartisan majority of Commissioners to place an order, decision, report, or action on the agenda of an open meeting;

''(B) establish procedures for informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

''(C) establish procedures for ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule;

''(D) establish procedures for publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the public has the opportunity to read the text before a vote is taken;

''(E) establish deadlines (relative to the date of filing) for disposition of applications for a license under section 1.913 of title 47, Code of Federal Regulations;

''(F) assign resources needed in order to meet the deadlines described in subparagraph (E), including whether the Commission's ability to meet such deadlines would be enhanced by assessing a fee from applicants for such a license; and

''(G) except as otherwise provided in section 4(p), publish each order, decision, report, or action not later than 30 days after the date of the adoption of such order, decision, report, or action.

''(4) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

''(5) GAO AUDIT.—Not less frequently than every 6 months, the Comptroller General of the United States shall audit the cost estimates provided by the Commission under paragraph (2)(D)(iii) during the preceding 6-month period.

''(b) PERIODIC REVIEW.—On the date that is 5 years after the completion of the rulemaking proceeding under subsection (a)(1), and every 5 years thereafter, the Commission shall initiate a new rulemaking proceeding to continue to consider such procedural changes to its rules as may be in the public interest to maximize opportunities for public participation and efficient decisionmaking.

''(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

''(A) a vote or any other agency action is not taken at such meeting;

''(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board or conference established under section 410, or a person on the staff of such a joint board or conference or of a member of such a joint board or conference; and

''(C) an attorney from the Office of General Counsel of the Commission is present at such meeting.

''(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

''(A) a list of the persons who attended such meeting; and

''(B) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

''(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

''(d) ACCESS TO CERTAIN INFORMATION ON COMMISSION'S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

''(1) detailed information regarding—

''(A) the budget of the Commission for the current fiscal year;

''(B) the appropriations for the Commission for such fiscal year; and

''(C) the total number of full-time equivalent employees of the Commission; and

''(2) the performance plan most recently made available by the Commission under section 1115(b) of title 31, United States Code.

''(e) INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.—The chairman of the Commission shall—

''(1) publish on the Internet website of the Commission any policies or procedures of the Commission that—

''(A) are established by the chairman; and

''(B) relate to the functioning of the Commission or the handling of the agenda of the Commission; and

''(2) update such publication not later than 48 hours after the chairman makes changes to any such policies or procedures.

''(f) FEDERAL REGISTER PUBLICATION.—

''(1) IN GENERAL.—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

''(2) DATE DESCRIBED.—The date described in this paragraph is the earlier of—

''(A) the day that is 45 days after the date of the release of the document; or

''(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

''(3) NO EFFECT ON DEADLINES FOR PUBLICATION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

''(g) CONSUMER COMPLAINT DATABASE.—

''(1) IN GENERAL.—In evaluating and processing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that—

''(A) facilitates easy use by consumers; and

''(B) to the extent practicable, is sortable and accessible by—

''(i) the date of the filing of the complaint;
''(ii) the topic of the complaint;
''(iii) the party complained of; and
''(iv) other elements that the Commission considers in the public interest.

''(2) DUPLICATIVE COMPLAINTS.—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

''(h) FORM OF PUBLICATION.—

''(1) IN GENERAL.—In complying with a requirement of this section to publish a document, the Commission shall publish such document on its website, in addition to publishing such document in any other form that the Commission is required to use or is permitted to and chooses to use.

''(2) EXCEPTION.—The Commission shall by rule establish procedures for redacting documents required to be published by this section so that the published versions of such documents do not contain—

''(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

''(B) information that is proprietary or confidential.

''(i) TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

''(1) Publishing on the Commission's website the Commission's logs for tracking, responding to, and managing requests submitted under such section, including the Commission's fee estimates, fee categories, and fee request determinations.

''(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission's Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

''(3) Publishing on the Commission's website electronic copies of documents released under such section.

''(4) Presenting information about the Commission's handling of requests under such section in the Commission's annual budget estimates submitted to Congress and the Commission's annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission's processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission's results with the most recent average for the United States Government as published on www.foia.gov.

''(j) PROMPT RELEASE OF STATISTICAL REPORTS AND REPORTS TO CONGRESS.—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

''(k) ANNUAL SCORECARD REPORTS.—

''(1) IN GENERAL.—For the 1-year period beginning on January 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsection (a)(2)(E) and the guidelines established under subsection (a)(2)(F).

''(2) CONTENTS.—Each report required by paragraph (1) shall contain detailed statistics on such performance, including, with respect to each Bureau of the Commission—

''(A) with respect to each type of filing specified in subsection (a)(2)(E) or (a)(2)(F)—

''(i) the number of filings that were pending on the last day of the period covered by such report;

''(ii) the number of filings described in clause (i) for which each applicable deadline or guideline established under such subsection was not met and the average length of time such filings have been pending; and

''(iii) for filings that were resolved during such period, the average time between initiation and resolution and the percentage for which each applicable deadline or guideline established under such subsection was met;

''(B) with respect to proceedings before an administrative law judge—

''(i) the number of such proceedings completed during such period; and

''(ii) the number of such proceedings pending on the last day of such period; and

''(C) the number of independent studies or analyses published by the Commission during such period.

''(3) PUBLICATION AND SUBMISSION.—The Commission shall publish and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate each report required by paragraph (1) not later than the date that is 30 days after the last day of the period covered by such report.

''(l) DEFINITIONS.—In this section:

''(1) AMENDMENT.—The term 'amendment' includes, when used with respect to an existing rule, the deletion of such rule.

''(2) BIPARTISAN MAJORITY.—The term 'bipartisan majority' means, when used with respect to a group of Commissioners, that such group—

''(A) is a group of three or more Commissioners; and

''(B) includes, for each political party of which any Commissioner is a member, at least one Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least one unaffiliated Commissioner.

''(3) PERFORMANCE MEASURE.—The term 'performance measure' means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

''(4) PROGRAM ACTIVITY.—The term 'program activity' has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to $100,000,000.

''(5) OTHER DEFINITIONS.—The terms 'agency action', 'ex parte communication', and 'rule' have the meanings given such terms in section 551 of title 5, United States Code.''.

(b) EFFECTIVE DATES AND IMPLEMENTING RULES.—

(1) EFFECTIVE DATES.—

(A) NONPUBLIC COLLABORATIVE DISCUSSIONS.—Subsection (c) of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the first date on which all of the procedural changes to the rules of the Commission required by subsection (a)(1) of such section have taken effect.

(B) REPORT RELEASE SCHEDULES.—Subsection (j) of such section 13 shall apply with respect to 2017 and any year thereafter.

(C) ANNUAL SCORECARD REPORTS.—Subsection (k) of such section 13 shall apply with respect to 2016 and any year thereafter.

(D) INTERNET PUBLICATION OF CERTAIN FCC POLICIES AND PROCEDURES.—Subsection (e) of such section 13 shall apply beginning on the date that is 30 days after the date of the enactment of this Act.

(2) RULES.—Except as otherwise provided in such section 13, the Commission shall promulgate any rules necessary to carry out such section not later than 1 year after the date of the enactment of this Act.

SEC. 102. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

SEC. 103. EFFECT ON OTHER LAWS.

Nothing in this title or the amendments made by this title shall relieve the Commission from any obligations under title 5, United States Code, except where otherwise expressly provided.

SEC. 104. APPLICATION OF ANTIDEFICIENCY ACT TO UNIVERSAL SERVICE PROGRAM.

Section 302 of Public Law 108–494 (118 Stat. 3998) is amended by striking ''December 31, 2017'' each place it appears and inserting ''December 31, 2020''.

SEC. 105. REPORT ON IMPROVING SMALL BUSINESS PARTICIPATION IN FCC PROCEEDINGS.

Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Administrator of the Small Business Administration, shall submit to Congress a report on—

(1) actions that the Commission will take to improve the participation of small businesses in the proceedings of the Commission; and

(2) recommendations for any legislation that the Commission considers appropriate to improve such participation.

SEC. 106. TIMELY AVAILABILITY OF ITEMS ADOPTED BY VOTE OF THE COMMISSION.

(a) AMENDMENT.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended by adding at the end the following:

''(p) In the case of any item that is adopted by vote of the Commission, the Commission shall publish on the Internet website of the Commission the text of such item not later than 24 hours after the Secretary of the Commission has received dissenting statements from all Commissioners wishing to submit such a statement with respect to such item.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to an item that is adopted after the date that is 30 days after the date of the enactment of this Act.

TITLE II—FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING

SEC. 201. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by section 101(a), is further amended by adding at the end the following:

''SEC. 14. COMMUNICATIONS MARKETPLACE REPORT.

''(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to

the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

''(b) CONTENTS.—Each report required by subsection (a) shall—

''(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

''(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment, including whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion;

''(3) assess whether laws, regulations, or regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or foreign governments) pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services;

''(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3); and

''(5) describe the actions that the Commission has taken in pursuit of the agenda described pursuant to paragraph (4) in the previous report submitted under this section.

''(c) EXTENSION.—If the President designates a Commissioner as Chairman of the Commission during the last quarter of an even-numbered year, the portion of the report required by subsection (b)(4) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as an addendum during the first quarter of the following odd-numbered year.

''(d) SPECIAL REQUIREMENTS.—

''(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

''(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall compile a list of geographical areas that are not served by any provider of advanced telecommunications capability.

''(3) INTERNATIONAL COMPARISONS AND DEMOGRAPHIC INFORMATION.—The Commission may use readily available data to draw appropriate comparisons between the United States communications marketplace and the international communications marketplace and to correlate its assessments with demographic information.

''(4) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and regulatory barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).

''(5) CONSIDERING CABLE RATES.—In assessing the state of competition under subsection (b)(1), the Commission shall include in each report required by subsection (a) the aggregate average total amount paid by cable systems in compensation under section 325 during the period covered by such report.''.

SEC. 202. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e; 114 Stat. 57) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103 of the Broadband Data Improvement Act (47 U.S.C. 1303) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—

(1) IN GENERAL.—Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENT.—Section 613(a)(3) of the Communications Act of 1934 (47 U.S.C. 533(a)(3)) is amended by striking ''623(l)'' and inserting ''623(k)''.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) SECTION 706 REPORT.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302) is amended—

(1) by amending subsection (b) to read as follows:

''(b) DETERMINATION.—If the Commission determines in its report under section 14 of the Communications Act of 1934, after considering the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms), that advanced telecommunications capability is not being deployed to all Americans in a reasonable and timely fashion, the Commission shall take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.'';

(2) by striking subsection (c);

(3) in subsection (d), by striking ''this subsection'' and inserting ''this section''; and

(4) by redesignating subsection (d) as subsection (c).

(h) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(i) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154), as amended by section 106(a), is further amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (p) as subsections (k) through (o), respectively.

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 9(i), by striking ''In the Commission's annual report, the Commission shall prepare an analysis of its progress in developing such systems and'' and inserting ''The Commission''; and

(B) in section 309(j)(8)(B), by striking the last sentence.

(j) ADDITIONAL OUTDATED REPORTS.—The Communications Act of 1934 is further amended—

(1) in section 4—

(A) in subsection (b)(2)(B)(ii), by striking ''and shall furnish notice of such action'' and all that follows through ''subject of the waiver''; and

(B) in subsection (g), by striking paragraph (2);

(2) in section 215—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b);

(3) in section 227(e), by striking paragraph (4);

(4) in section 309(j)—

(A) by striking paragraph (12); and

(B) in paragraph (15)(C), by striking clause (iv);

(5) in section 331(b), by striking the last sentence;

(6) in section 336(e), by amending paragraph (4) to read as follows:

''(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.'';

(7) in section 339(c), by striking paragraph (1);

(8) in section 396—

(A) by striking subsection (i);

(B) in subsection (k)—

(i) in paragraph (1), by striking subparagraph (F); and

(ii) in paragraph (3)(B)(iii), by striking subclause (V);

(C) in subsection (l)(1)(B), by striking ''shall be included'' and all that follows through ''The audit report''; and

(D) by striking subsection (m);

(9) in section 398(b)(4), by striking the third sentence;

(10) in section 624A(b)(1)—

(A) by striking ''REPORT; REGULATIONS'' and inserting ''REGULATIONS'';

(B) by striking ''Within 1 year after'' and all that follows through ''on means of assuring'' and inserting ''The Commission shall issue such regulations as are necessary to assure''; and

(C) by striking ''Within 180 days after'' and all that follows through ''to assure such compatibility.''; and

(11) in section 713, by striking subsection (a).

SEC. 203. EFFECT ON AUTHORITY.

Nothing in this title or the amendments made by this title shall be construed to expand or contract the authority of the Commission.

SEC. 204. OTHER REPORTS.

Nothing in this title or the amendments made by this title shall be construed to prohibit or otherwise prevent the Commission from producing any additional reports otherwise within the authority of the Commission.

TITLE III—SMALL BUSINESS BROADBAND DEPLOYMENT

SEC. 301. EXCEPTION TO ENHANCEMENT TO TRANSPARENCY REQUIREMENTS FOR SMALL BUSINESSES.

(a) IN GENERAL.—The enhancements to the transparency rule of the Commission under section 8.3 of title 47, Code of Federal Regulations, as described in paragraphs 162 through 184 of the Report and Order on Remand, Declaratory Ruling, and Order of the Commission with regard to protecting and promoting the open Internet (adopted February 26, 2015) (FCC 15–24), shall not apply to any small business.

(b) SUNSET.—Subsection (a) shall not have any force or effect after the date that is 5 years after the date of the enactment of this Act.

(c) REPORT BY FCC.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains the recommendations of the Commission (and data supporting such recommendations) regarding—

(1) whether the exception provided by subsection (a) should be made permanent; and

(2) whether the definition of the term ''small business'' for purposes of such exception should be modified from the definition in subsection (d)(2).

(d) DEFINITIONS.—In this section:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term ''broadband Internet access service'' has the meaning given such term in section 8.2 of title 47, Code of Federal Regulations.

(2) SMALL BUSINESS.—The term ''small business'' means any provider of broadband Internet access service that has not more than 250,000 subscribers.

TITLE IV—KARI'S LAW

SEC. 401. SHORT TITLE.

This title may be cited as the ''Kari's Law Act of 2016''.

SEC. 402. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

(a) IN GENERAL.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 721. CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

''(a) SYSTEM MANUFACTURE, IMPORTATION, SALE, AND LEASE.—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems may not manufacture or import for use in the United States, or sell or lease or offer to sell or lease in the United States, a multi-line telephone system, unless such system is pre-configured such that, when properly installed in accordance with subsection (b), a user may directly initiate a call to 9–1–1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9', regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

''(b) SYSTEM INSTALLATION, MANAGEMENT, AND OPERATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems may not install, manage, or operate for use in the United States such a system, unless such system is configured such that a user may directly initiate a call to 9–1–1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9', regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls.

''(c) ON-SITE NOTIFICATION.—A person engaged in the business of installing, managing, or operating multi-line telephone systems shall, in installing, managing, or operating such a system for use in the United States, configure the system to provide a notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to the hardware or software of the system.

''(d) EFFECT ON STATE LAW.—Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with this Act.

''(e) ENFORCEMENT.—This section shall be enforced under title V, except that section 501 applies only to the extent that such section provides for the punishment of a fine.

''(f) MULTI-LINE TELEPHONE SYSTEM DEFINED.—In this section, the term 'multi-line telephone system' has the meaning given such term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 721 of the Communications Act of 1934, as added by subsection (a) of this section, shall apply beginning on the date that is 2 years after the date of the enactment of this Act.

(2) EXCEPTION.—Subsection (b) or (c) of such section 721 shall not apply to a multi-line telephone system that was installed before the date that is 2 years after the date of the enactment of this Act if such system is not able to be configured to meet the requirement of such subsection (b) or (c), respectively, without an improvement to the hardware or software of the system.

TITLE V—SECURING ACCESS TO NETWORKS IN DISASTERS

SEC. 501. STUDY ON NETWORK RESILIENCY.

Not later than 36 months after the date of enactment of this Act, the Commission shall submit to Congress, and make publically available on the Commission's website, a study on the public safety benefits and technical feasibility and cost of—

(1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9–1–1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable;

(2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9–1–1 services during times of emergency when mobile service is unavailable; and

(3) other alternative means of providing the public with access to 9–1–1 services during times of emergency when mobile service is unavailable.

SEC. 502. ACCESS TO ESSENTIAL SERVICE PROVIDERS DURING FEDERALLY DECLARED EMERGENCIES.

Section 427(a)(1)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189e(a)(1)(A)) is amended by striking ''telecommunications service'' and inserting ''wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service''.

SEC. 503. DEFINITIONS.

As used in this title—

(1) the term ''mobile service'' means commercial mobile service (as defined in section 332 of the Communications Act of 1934 (47 U.S.C. 332)) or commercial mobile data service (as defined in section 6001 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401));

(2) the term ''WiFi access point'' means wireless Internet access using the standard designated as 802.11 or any variant thereof; and

(3) the term ''times of emergency'' means either an emergency as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), or an emergency as declared by the governor of a State or territory of the United States.

TITLE VI—SPOOFING PREVENTION

SEC. 601. SPOOFING PREVENTION.

(a) EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking ''in connection with any telecommunications service or IP-enabled voice service'' and inserting ''or any person outside the United States if the recipient is within the United States, in connection with any voice service or text messaging service''.

(2) COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking ''telecommunications service or IP-enabled voice service'' and inserting ''voice service or a text message sent using a text messaging service'';

(B) in the first sentence of subparagraph (B), by striking ''telecommunications service or IP-enabled voice service'' and inserting ''voice service or a text message sent using a text messaging service''; and

(C) by striking subparagraph (C) and inserting the following:

''(C) TEXT MESSAGE.—The term 'text message'—

''(i) means a message consisting of text, images, sounds, or other information that is transmitted to or from a device that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N11 service code;

''(ii) includes a short message service (commonly referred to as 'SMS') message and a multimedia message service (commonly referred to as 'MMS') message; and

''(iii) does not include—

''(I) a real-time, 2-way voice or video communication; or

''(II) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in clause (ii).

''(D) TEXT MESSAGING SERVICE.—The term 'text messaging service' means a service that enables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

''(E) VOICE SERVICE.—The term 'voice service'—

''(i) means any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

''(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.''.

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C.

227(e)) is amended in the heading by inserting ''MISLEADING OR'' before ''INACCURATE''.

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking ''Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission'' and inserting ''The Commission''.

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date on which the Commission prescribes regulations under paragraph (4).

(b) CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) DEVELOPMENT OF MATERIALS.—Not later than 1 year after the date of enactment of this Act, the Commission, in coordination with the Federal Trade Commission, shall develop consumer education materials that provide information about—

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) CONTENTS.—In developing the consumer education materials under paragraph (1), the Commission shall—

(A) identify existing technologies, if any, that can help consumers guard themselves against scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information, including—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity; and

(ii) details on how consumers can access and use the technologies; and

(B) provide other information that may help consumers identify and avoid scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information.

(3) UPDATES.—The Commission shall ensure that the consumer education materials required under paragraph (1) are updated on a regular basis.

(4) WEBSITE.—The Commission shall include the consumer education materials developed under paragraph (1) on its website.

(c) GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

(2) REQUIRED CONSIDERATIONS.—In conducting the study under paragraph (1), the Comptroller General shall examine—

(A) trends in the types of scams that rely on misleading or inaccurate caller identification information;

(B) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

(D) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of the study under paragraph (1), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with—

(1) the Telephone Consumer Protection Act of 1991 (Public Law 102–243; 105 Stat. 2394) or the amendments made by that Act; or

(2) the CAN–SPAM Act of 2003 (15 U.S.C. 7701 et seq.).

TITLE VII—AMATEUR RADIO PARITY

SEC. 701. FINDINGS.

Congress finds the following:

(1) More than 730,000 radio amateurs in the United States are licensed by the Commission in the amateur radio services.

(2) Amateur radio, at no cost to taxpayers, provides a fertile ground for technical selftraining in modern telecommunications, electronics technology, and emergency communications techniques and protocols.

(3) There is a strong Federal interest in the effective performance of amateur stations established at the residences of licensees. Such stations have been shown to be frequently and increasingly precluded by unreasonable private land use restrictions, including restrictive covenants.

(4) Commission regulations have for three decades prohibited the application to stations in the amateur service of State and local regulations that preclude or fail to reasonably accommodate amateur service communications, or that do not constitute the minimum practicable regulation to accomplish a legitimate State or local purpose. Commission policy has been and is to require States and localities to permit erection of a station antenna structure at heights and dimensions sufficient to accommodate amateur service communications.

(5) The Commission has sought guidance and direction from Congress with respect to the application of the Commission's limited preemption policy regarding amateur service communications to private land use restrictions, including restrictive covenants.

(6) There are aesthetic and common property considerations that are uniquely applicable to private land use regulations and the community associations obligated to enforce covenants, conditions, and restrictions in deed-restricted communities. These considerations are dissimilar to those applicable to State law and local ordinances regulating the same residential amateur radio facilities.

(7) In recognition of these considerations, a separate Federal policy than exists at section 97.15(b) of title 47, Code of Federal Regulations, is warranted concerning amateur service communications in deed-restricted communities.

(8) Community associations should fairly administer private land use regulations in the interest of their communities, while nevertheless permitting the installation and maintenance of effective outdoor amateur radio antennas. There exist antenna designs and installations that can be consistent with the aesthetics and physical characteristics of land and structures in community associations while accommodating communications in the amateur radio services.

SEC. 702. APPLICATION OF PRIVATE LAND USE RESTRICTIONS TO AMATEUR STATIONS.

(a) AMENDMENT OF FCC RULES.—Not later than 120 days after the date of the enactment of this Act, the Commission shall amend section 97.15 of title 47, Code of Federal Regulations, by adding a new paragraph that prohibits the application to amateur stations of any private land use restriction, including a restrictive covenant, that—

(1) on its face or as applied, precludes communications in an amateur radio service;

(2) fails to permit a licensee in an amateur radio service to install and maintain an effective outdoor antenna on property under the exclusive use or control of the licensee; or

(3) does not constitute the minimum practicable restriction on such communications to accomplish the lawful purposes of a community association seeking to enforce such restriction.

(b) ADDITIONAL REQUIREMENTS.—In amending its rules as required by subsection (a), the Commission shall—

(1) require any licensee in an amateur radio service to notify and obtain prior approval from a community association concerning installation of an outdoor antenna;

(2) permit a community association to prohibit installation of any antenna or antenna support structure by a licensee in an amateur radio service on common property not under the exclusive use or control of the licensee; and

(3) subject to the standards specified in paragraphs (1) and (2) of subsection (a), permit a community association to establish reasonable written rules concerning height, location, size, and aesthetic impact of, and installation requirements for, outdoor antennas and support structures for the purpose of conducting communications in the amateur radio services.

SEC. 703. AFFIRMATION OF LIMITED PREEMPTION OF STATE AND LOCAL LAND USE REGULATION.

The Commission may not change section 97.15(b) of title 47, Code of Federal Regulations, which shall remain applicable to State and local land use regulation of amateur service communications.

SEC. 704. DEFINITIONS.

In this title:

(1) COMMUNITY ASSOCIATION.—The term ''community association'' means any nonprofit mandatory membership organization composed of owners of real estate described in a declaration of covenants or created pursuant to a covenant or other applicable law with respect to which a person, by virtue of the person's ownership of or interest in a unit or parcel, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, improvement, services, or other expenses related to common elements, other units, or any other real estate other than the unit or parcel described in the declaration.

(2) TERMS DEFINED IN REGULATIONS.—The terms ''amateur radio services'', ''amateur service'', and ''amateur station'' have the meanings given such terms in section 97.3 of title 47, Code of Federal Regulations.

TITLE VIII—IMPROVING RURAL CALL QUALITY AND RELIABILITY

SEC. 801. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

Part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) is amended by adding at the end the following:

''SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

''(a) REGISTRATION AND COMPLIANCE BY INTERMEDIATE PROVIDERS.—An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

''(1) register with the Commission; and

''(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (c)(1)(B).

''(b) REQUIRED USE OF REGISTERED INTERMEDIATE PROVIDERS.—A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

''(c) COMMISSION RULES.—

''(1) IN GENERAL.—

''(A) REGISTRY.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

''(B) SERVICE QUALITY STANDARDS.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

''(2) REQUIREMENTS.—In promulgating the rules required by paragraph (1), the Commission shall—

''(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

''(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

''(d) PUBLIC AVAILABILITY OF REGISTRY.—The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

''(e) SCOPE OF APPLICATION.—The requirements of this section shall apply regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

''(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and enforce State law and regulations, regarding the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

''(h) EXCEPTION.—The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

''(1) on or before the date that is 1 year after the date of enactment of this section, has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

''(2) continues to meet the requirements under such section 64.2107(a).

''(i) DEFINITIONS.—In this section:

''(1) COVERED PROVIDER.—The term 'covered provider' has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor thereto.

''(2) COVERED VOICE COMMUNICATION.—The term 'covered voice communication' means a voice communication (including any related signaling information) that is generated—

''(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

''(B) through any service provided by a covered provider.

''(3) INTERMEDIATE PROVIDER.—The term 'intermediate provider' means any entity that—

''(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is generated from the placement of a call placed—

''(i) from an end user connection using a North American Numbering Plan resource; or

''(ii) to an end user connection using such a numbering resource; and

''(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or terminating a given call.''.

Mr. WALDEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: ''A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, to consolidate certain reporting obligations of the Commission, and to update certain other provisions of such Act, and for other purposes.''.

A motion to reconsider was laid on the table.

ADVANCING HOPE ACT OF 2016

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (S. 1878) to extend the pediatric priority review voucher program, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1878

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 ''Advancing Hope Act of 2016''.

SEC. 2. REAUTHORIZATION OF PROGRAM FOR PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR RARE PEDIATRIC DISEASES.

(a) IN GENERAL.—Section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by amending subparagraph (A) to read as follows:

''(A) The disease is a serious or life-threatening disease in which the serious or life-threatening manifestations primarily affect individuals aged from birth to 18 years, including age groups often called neonates, infants, children, and adolescents.''; and

(B) in paragraph (4)(F), by striking ''Prescription Drug User Fee Amendments of 2012'' and inserting ''Advancing Hope Act of 2016'';

(2) in subsection (b)—

(A) by striking paragraph (4) and inserting the following:

''(4) NOTIFICATION.—

''(A) SPONSOR OF A RARE PEDIATRIC DISEASE PRODUCT.—

''(i) IN GENERAL.—Beginning on the date that is 90 days after the date of enactment of the Advancing Hope Act of 2016, the sponsor of a rare pediatric disease product application that intends to request a priority review voucher under this section shall notify the Secretary of such intent upon submission of the rare pediatric disease product application that is the basis of the request for a priority review voucher.

''(ii) APPLICATIONS SUBMITTED BUT NOT YET APPROVED.—The sponsor of a rare pediatric disease product application that was submitted and that has not been approved as of the date of enactment of the Advancing Hope Act of 2016 shall be considered eligible for a priority review voucher, if—

''(I) such sponsor has submitted such rare pediatric disease product application—

''(aa) on or after the date that is 90 days after the date of enactment of the Prescription Drug User Fee Amendments of 2012; and

''(bb) on or before the date of enactment of the Advancing Hope Act of 2016; and

''(II) such application otherwise meets the criteria for a priority review voucher under this section.

''(B) SPONSOR OF A DRUG APPLICATION USING A PRIORITY REVIEW VOUCHER.—

''(i) IN GENERAL.—The sponsor of a human drug application shall notify the Secretary not later than 90 days prior to submission of the human drug application that is the subject of a priority review voucher of an intent to submit the human drug application, including the date on which the sponsor intends to submit the application. Such notification shall be a legally binding commitment to pay the user fee to be assessed in accordance with this section.

''(ii) TRANSFER AFTER NOTICE.—The sponsor of a human drug application that provides notification of the intent of such sponsor to use the voucher for the human drug application under clause (i) may transfer the voucher after such notification is provided, if such sponsor has not yet submitted the human drug application described in the notification.''; and

(B) by striking paragraph (5) and inserting the following:

''(5) TERMINATION OF AUTHORITY.—The Secretary may not award any priority review vouchers under paragraph (1) after December 31, 2016.''; and

(3) in subsection (g), by inserting before the period '', except that no sponsor of a rare pediatric disease product application may receive more than one priority review voucher issued under any section of this Act with respect to the drug for which the application is made.''

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or the amendments made by this Act, shall be construed to affect the validity of a priority review voucher that was issued under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) before the date of enactment of this Act.

SEC. 3. GAO REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of awarding priority review vouchers under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff) in providing incentives for the development of drugs that treat or prevent rare pediatric diseases (as defined in subsection (a)(3) of such section) that would not otherwise have been developed. In conducting such study, the Comptroller General shall examine the following:

(1) The indications for which each drug for which a priority review voucher was awarded under such section 529 was approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

(2) Whether the priority review voucher impacted sponsors' decisions to invest in developing a drug to treat or prevent a rare pediatric disease.

(3) An analysis of the drugs for which such priority review vouchers were used, which shall include—

(A) the indications for which such drugs were approved under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a));

(B) whether unmet medical needs were addressed through the approval of such drugs, including, for each such drug—

(i) if an alternative therapy was previously available to treat the indication; and

(ii) if the drug provided a benefit or advantage over another available therapy;

(C) the number of patients potentially treated by such drugs;

(D) the value of the priority review voucher if transferred; and

(E) the length of time between the date on which a priority review voucher was awarded and the date on which it was used.

(4) With respect to the priority review voucher program under section 529 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff)—

(A) the resources used by the Food and Drug Administration in implementing such program, including the effect of such program on the Food and Drug Administration's review of drugs for which a priority review voucher was not awarded or used;

(B) the impact of the program on the public health as a result of the review and approval of drugs that received a priority review voucher and products that were the subject of a redeemed priority review voucher; and

(C) alternative approaches to improving such program so that the program is appropriately targeted toward providing incentives for the development of clinically important drugs that—

(i) prevent or treat rare pediatric diseases; and

(ii) would likely not otherwise have been developed to prevent or treat such diseases.

(b) REPORT.—Not later than January 31, 2022, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report containing the results of the study of conducted under subsection (a).

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

FEDERAL AVIATION ADMINISTRATION VETERAN TRANSITION IMPROVEMENT ACT OF 2016

Mr. LoBIONDO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2683) to include disabled veteran leave in the personnel management system of the Federal Aviation Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 2683

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 ''Federal Aviation Administration Veteran Transition Improvement Act of 2016''.

SEC. 2. INCLUSION OF DISABLED VETERAN LEAVE IN FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) IN GENERAL.—Section 40122(g)(2) of title 49, United States Code, is amended—

(1) in subparagraph (H), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (I)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) subject to paragraph (4) of this subsection, section 6329, relating to disabled veteran leave.''.

(b) CERTIFICATION OF LEAVE.—Section 40122(g) of such title is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) CERTIFICATION OF DISABLED VETERAN LEAVE.—In order to verify that leave credited to an employee pursuant to paragraph (2)(J) is used for treating a service-connected disability, that employee shall, notwithstanding section 6329(c) of title 5, submit to the Assistant Administrator for Human Resource Management of the Federal Aviation Administration certification, in such form and manner as the Administrator of the Federal Aviation Administration may prescribe, that the employee used that leave for purposes of being furnished treatment for that disability by a health care provider.''.

(c) APPLICATION.—The amendments made by this section shall apply with respect to any employee of the Federal Aviation Administration hired on or after the date that is one year after the date of the enactment of this Act.

(d) POLICIES AND PROCEDURES.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall prescribe policies and procedures to carry out the amendments made by this section that are comparable, to the maximum extent practicable, to the regulations prescribed by the Office of Personnel Management under section 6329 of title 5, United States Code.

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

VETERANS DAY MOMENT OF SILENCE ACT

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 1004) to amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Veterans Day, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1004

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 ''Veterans Day Moment of Silence Act''.

SEC. 2. OBSERVANCE OF VETERANS DAY.

(a) TWO MINUTES OF SILENCE.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 145. Veterans Day

''The President shall issue each year a proclamation calling on the people of the United States to observe two minutes of silence on Veterans Day in honor of the service and sacrifice of veterans throughout the history of the Nation, beginning at—

''(1) 3:11 p.m. Atlantic standard time;

''(2) 2:11 p.m. eastern standard time;

''(3) 1:11 p.m. central standard time;

''(4) 12:11 p.m. mountain standard time;

''(5) 11:11 a.m. Pacific standard time;

''(6) 10:11 a.m. Alaska standard time; and

''(7) 9:11 a.m. Hawaii-Aleutian standard time.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following new item:

''145. Veterans Day.''.

Mr. LYNCH. Mr. Speaker, I rise today in support of S. 1004, the Veterans Day Moment of Silence Act. I am proud to have introduced the House version of this bill, H.R. 995.

This bipartisan legislation calls for two minutes of silence every Veterans Day. The set time of 2:11 P.M., Eastern Standard Time, will allow all Americans from coast to coast and Puerto Rico to come together as one nation to reflect on the service of our veterans, past and present. Generations of brave men and women have served the United States of America with honor, risking their lives to keep us safe and free. They deserve our support and, especially, our gratitude.

Mr. Speaker, our servicemembers have made, and continue to make, immense sacrifices. They leave their loved ones behind, operate in some of the most dangerous places in the world, and put themselves in harm's way to defend our nation. I have had the

honor and pleasure of meeting with servicemembers during my Congressional Delegations abroad. I am always moved by their professionalism, courage, and most especially, their dedication to their families, fellow service members, and country. This Moment of Silence legislation will send a powerful message of appreciation to our veterans for all that they do on behalf of our nation.

I would like to express my thanks to the leadership of the Veterans Affairs Committee, as well as to the bipartisan group of cosponsors who were steadfast in their support of H.R. 995. I am grateful to Senators KIRK and DURBIN for their leadership and stewardship of this initiative on the Senate side. I also wish to thank Daniel and Michael Bendetson, along with their father, Dr. Peter Bendetson, who first approached me with the concept of this tribute and have worked tirelessly for years to bring this proposal to fruition. Finally, I would like to thank all the veterans in the Eighth District of Massachusetts and across America, in whose honor I am proud to have introduced and supported the Veterans Day Moment of Silence Act.

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

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on S. 1004.

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

There was no objection.

EXPRESSING PROFOUND CONCERN ABOUT THE ONGOING POLITICAL, ECONOMIC, SOCIAL AND HUMANITARIAN CRISIS IN VENEZUELA

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the resolution (H. Res. 851) expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, reserving the right to object, although I do not intend to object, I am proud to be the sponsor of H. Res. 851, which expresses profound concern about the shameful and rampant corruption of President Maduro's government and the plight of the Venezuelan people.

The Maduro regime's efforts to silence political opposition leaders, including by jailing Leopoldo Lopez and Daniel de Ceballos, are unconscionable. And just last week, the National Electoral Council announced an outrageously high barrier to the referendum on his government that millions of Venezuelans are demanding.

His flagrant misconduct has brought a series of devastating crises to Venezuela. Families all across the country are starving. Their local store shelves are barren, many of them empty of both food and lifesaving medicine.

And Maduro still refuses to listen to the will of his people. They are crying out for their voices to be heard and their rights respected, and we must ensure they are not crying out in vain.

I am proud to cosponsor this legislation with my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

I withdraw my reservation of objection.

The SPEAKER pro tempore. The reservation is withdrawn.

Is there further objection to the request of the gentlewoman from Florida (Ms. ROS-LEHTINEN)?

There was no objection.

The text of the resolution is as follows:

H. RES. 851

Whereas the deterioration of basic governance and the economic crisis in Venezuela have reached deeply troubling levels, which in turn have led to an unprecedented humanitarian situation in Venezuela where millions of people are suffering from severe shortages of essential medicines and basic food products;

Whereas Venezuela lacks more than 80 percent of the basic medical supplies and equipment needed to treat its population, including medicine to treat chronic illnesses and cancer as well as basic antibiotics, and 85 percent of pharmacies are at risk of bankruptcy, according to the Venezuelan Pharmaceutical Federation;

Whereas, despite the massive shortages of basic foodstuffs and essential medicines, President of Venezuela Nicolas Maduro has rejected repeated requests from the majority of members of the National Assembly and civil society organizations to bring humanitarian aid into the country;

Whereas the International Monetary Fund assesses that, in Venezuela, inflation reached 275 percent and the gross domestic product contracted 5.7 percent in 2015, and further projects that inflation will reach 720 percent and the gross domestic product will contract an additional 8 percent in 2016;

Whereas Venezuela's political, economic, and humanitarian crisis is fueling social tensions that are resulting in growing incidents of public unrest, looting, and violence among citizens;

Whereas these social distortions are taking place amidst an alarming climate of violence as Caracas continues to have the highest per capita homicide rate in the world at 120 per 100,000 citizens, according to the United Nations Office on Drug and Crime;

Whereas the deterioration of governance in Venezuela has been exacerbated by widespread public corruption and the involvement of public officials in illicit narcotics trafficking and related money laundering, which has led to indictments by the United States Department of Justice and ongoing investigations by the United States Department of the Treasury and the United States Drug Enforcement Administration;

Whereas domestic and international human rights groups recognize more than 85 political prisoners in Venezuela, including opposition leader and former Chacao mayor Leopoldo Lopez, Judge Maria Lourdes Afiuni, Caracas Mayor Antonio Ledezma, former Zulia governor Manuel Rosales, and former San Cristobal mayor Daniel Ceballos;

Whereas, in December 2015, the people of Venezuela elected the opposition coalition (Mesa de Unidad Democrática) to a two-thirds majority in the unicameral National Assembly, with 112 out of the 167 seats compared with 55 seats for the government's Partido Socialista Unido de Venezuela party;

Whereas, in late December 2015, the outgoing National Assembly increased the number of seats in the Supreme Court of Venezuela and confirmed magistrates politically aligned with the Maduro Administration and, thereafter, the expanded Supreme Court has blocked four legislators, including 3 opposition legislators, from taking office;

Whereas, during the first 6 months of the new legislature, the Supreme Court has repeatedly issued politically motivated judgments to overturn legislation passed by the democratically elected National Assembly and block internal legislative procedures;

Whereas, in 2016, President Maduro has utilized emergency and legislative decree powers to bypass the National Assembly, which, alongside the actions of the Supreme Court, have severely undermined the principles of separation of powers in Venezuela;

Whereas, in May 2016, Organization of American States Secretary General Luis Almagro presented a 132-page report outlining grave alterations of the democratic order in Venezuela and invoked Article 20 of the Inter-American Democratic Charter, which calls on the OAS Permanent Council ''to undertake a collective assessment of the situation'';

Whereas, in June 2016, at a joint press conference with Prime Minister Justin Trudeau of Canada and President Enrique Peña Nieto of Mexico, President Barack Obama stated, ''Given the very serious situation in Venezuela and the worsening plight of the Venezuelan people, together we're calling on the government and opposition to engage in meaningful dialogue and urge the Venezuelan government to respect the rule of law and the authority of the National Assembly.''; and

Whereas, at the joint press conference with Prime Minister Justin Trudeau and President Peña Nieto, President Barack Obama continued, ''Political prisoners should be released. The democratic process should be respected and that includes legitimate efforts to pursue a recall referendum consistent with Venezuelan law.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its profound concern about widespread shortages of essential medicines and basic food products faced by the people of Venezuela, and urges President Maduro to permit the delivery of humanitarian assistance;

(2) calls on the Government of Venezuela to immediately release all political prisoners, to provide protections for freedom of expression and assembly, and to respect internationally recognized human rights;

(3) supports meaningful efforts towards a dialogue that leads to respect for Venezuela's constitutional mechanisms and resolves the country's political, economic, social, and humanitarian crisis;

(4) affirms its support for OAS Secretary General Almagro's invocation of Article 20 of the Inter-American Democratic Charter and urges the OAS Permanent Council, which represents all of the organization's member states, to undertake a collective assessment of the constitutional and democratic order in Venezuela;

(5) expresses its great concern over the Venezuelan executive's lack of respect for the principle of separation of powers, its overreliance on emergency decree powers, and its subjugation of judicial independence;

(6) calls on the Government of Venezuela and security forces to respect the Constitution of Venezuela, including constitutional provisions that provide Venezuelan citizens with the right to peacefully pursue a fair and timely recall referendum for their President this year if they so choose;

(7) stresses the urgency of strengthening the rule of law and increasing efforts to combat impunity and public corruption in Venezuela, which has bankrupted a resource-rich country, fuels rising social tensions, and contributes to elevated levels of crime and violence; and

(8) urges the President of the United States to provide full support for OAS efforts in favor of constitutional and democratic solutions to the political impasse, and to instruct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of United States law and abuses of internationally recognized human rights.

AMENDMENT OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I have an amendment to the text of the resolution at the desk.

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

The Clerk read as follows:

Strike all after the resolving clause and insert the following:

That the House of Representatives—

(1) expresses its profound concern about widespread shortages of essential medicines and basic food products faced by the people of Venezuela, and urges President Maduro to permit the delivery of humanitarian assistance;

(2) calls on the Government of Venezuela to immediately release all political prisoners, including United States citizens, to provide protections for freedom of expression and assembly, and to respect internationally recognized human rights;

(3) supports meaningful efforts towards a dialogue that leads to respect for Venezuela's constitutional mechanisms and resolves the country's political, economic, social, and humanitarian crisis;

(4) affirms its support for OAS Secretary General Almagro's invocation of Article 20 of the Inter-American Democratic Charter and urges the OAS Permanent Council, which represents all of the organization's member states, to undertake a collective assessment of the constitutional and democratic order in Venezuela;

(5) expresses its great concern over the Venezuelan executive's lack of respect for the principle of separation of powers, its overreliance on emergency decree powers, and its threat to judicial independence;

(6) calls on the Government of Venezuela and security forces to respect the Constitution of Venezuela, including constitutional provisions that provide Venezuelan citizens with the right to peacefully pursue a fair and timely recall referendum for their President this year;

(7) stresses the urgency of strengthening the rule of law and increasing efforts to combat impunity and public corruption in Venezuela, which has bankrupted a resource-rich country, fuels rising social tensions, and contributes to elevated levels of crime and violence;

(8) urges the President of the United States to provide full support for OAS efforts in favor of constitutional and democratic solutions to the political impasse, and to instruct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of United States law and abuses of internationally recognized human rights; and

(9) urges the President to continue to stand in solidarity with the Venezuelan people by urging the Maduro government to—

(A) hold a fair and free recall referendum by the end of this calendar year;

(B) release all political prisoners, including United States citizens, from prison;

(C) adhere to democratic principles; and

(D) permit the delivery of emergency food and medicine.

Ms. ROS-LEHTINEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MS. ROS-LEHTINEN

Ms. ROS-LEHTINEN. Mr. Speaker, I have an amendment to the preamble at the desk.

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

The Clerk read as follows:

Strike the preamble and insert the following:

Whereas the deterioration of basic governance and the economic crisis in Venezuela have reached deeply troubling levels, which in turn have led to an unprecedented humanitarian situation in Venezuela where millions of people are suffering from severe shortages of essential medicines and basic food products;

Whereas Venezuela lacks more than 80 percent of the basic medical supplies and equipment needed to treat its population, including medicine to treat chronic illnesses and cancer as well as basic antibiotics, and 85 percent of pharmacies are at risk of bankruptcy, according to the Venezuelan Pharmaceutical Federation;

Whereas, despite the massive shortages of basic foodstuffs and essential medicines, President of Venezuela Nicolas Maduro has rejected repeated requests from the majority of members of the National Assembly and civil society organizations to bring humanitarian aid into the country;

Whereas the International Monetary Fund assesses that, in Venezuela, inflation reached 275 percent and the gross domestic product contracted 5.7 percent in 2015, and further projects that inflation will reach 720 percent and the gross domestic product will contract an additional 8 percent in 2016;

Whereas Venezuela's political, economic, and humanitarian crisis is fueling social tensions that are resulting in growing incidents of public unrest, looting, and violence among citizens;

Whereas these social distortions are taking place amidst an alarming climate of violence as Caracas continues to have the highest per capita homicide rate in the world at 120 per 100,000 citizens, according to the United Nations Office on Drug and Crime;

Whereas the deterioration of governance in Venezuela has been exacerbated by widespread public corruption and the involvement of public officials in illicit narcotics trafficking and related money laundering, which has led to indictments by the United States Department of Justice and ongoing investigations by the United States Department of the Treasury and the United States Drug Enforcement Administration;

Whereas domestic and international human rights groups recognize more than 85 political prisoners in Venezuela, including United States citizens Francisco Márquez and Josh Holt, opposition leader and former Chacao mayor Leopoldo Lopez, Judge Maria Lourdes Afiuni, Caracas Mayor Antonio Ledezma, former Zulia governor Manuel Rosales, and former San Cristobal mayor Daniel Ceballos;

Whereas, in December 2015, the people of Venezuela elected the opposition coalition (Mesa de Unidad Democrática) to a two-thirds majority in the unicameral National Assembly, with 112 out of the 167 seats compared with 55 seats for the government's Partido Socialista Unido de Venezuela party;

Whereas, in late December 2015, the outgoing National Assembly increased the number of seats in the Supreme Court of Venezuela and confirmed magistrates with the Maduro Administration and, thereafter, the expanded Supreme Court has blocked four legislators, including 3 opposition legislators, from taking office;

Whereas the Supreme Court has repeatedly issued politically motivated judgments to overturn legislation passed by the democratically elected National Assembly and block internal legislative procedures;

Whereas, in 2016, President Maduro has utilized emergency and legislative decree powers to bypass the National Assembly, which, alongside the actions of the Supreme Court, have severely undermined the principles of separation of powers in Venezuela;

Whereas democracy is failing in Venezuela, the Maduro government controls the presidency, a majority of the municipalities, the Supreme Court, the military leadership, the state-owned oil company (PDVSA) leadership, and most of the media;

Whereas the former Presidents of Spain, Panama, and the Dominican Republic have pursued dialogue between President Maduro and the National Assembly;

Whereas, in May 2016, Organization of American States Secretary General Luis Almagro presented a 132-page report outlining grave alterations of the democratic order in Venezuela and invoked Article 20 of the Inter-American Democratic Charter, which calls on the OAS Permanent Council ''to undertake a collective assessment of the situation'';

Whereas the countries of Argentina, Belize, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, United States, and Uruguay called on the Venezuelan Government in June 2016 to ''guarantee the exercise of the constitutional rights of the Venezuelan people and that the remaining steps for the realization of the Presidential Recall Referendum be pursued clearly, concretely and without delay'';

Whereas, in June 2016, at a joint press conference with Prime Minister Justin Trudeau of Canada and President Enrique Peña Nieto of Mexico, President Barack Obama stated, ''Given the very serious situation in Venezuela and the worsening plight of the Venezuelan people, together we're calling on the government and opposition to engage in meaningful dialogue and urge the Venezuelan government to respect the rule of law and the authority of the National Assembly.''; and

Whereas, at the joint press conference with Prime Minister Justin Trudeau and President Peña Nieto, President Barack Obama continued, ''Political prisoners should be released. The democratic process should be respected and that includes legitimate efforts to pursue a recall referendum consistent with Venezuelan law.'': Now, therefore, be it

Ms. ROS-LEHTINEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

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.

Record votes on postponed questions will be taken later.

TREATMENT OF CERTAIN PAYMENTS IN EUGENICS COMPENSATION ACT

Mr. MCHENRY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1698) to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1698

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 ''Treatment of Certain Payments in Eugenics Compensation Act''.

SEC. 2. EXCLUSION OF PAYMENTS FROM STATE EUGENICS COMPENSATION PROGRAMS FROM CONSIDERATION IN DETERMINING ELIGIBILITY FOR, OR THE AMOUNT OF, FEDERAL PUBLIC BENEFITS.

(a) IN GENERAL.—Notwithstanding any other provision of law, payments made under a State eugenics compensation program shall not be considered as income or resources in determining eligibility for, or the amount of, any Federal public benefit.

(b) DEFINITIONS.—For purposes of this section:

(1) FEDERAL PUBLIC BENEFIT.—The term ''Federal public benefit'' means—

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

(2) STATE EUGENICS COMPENSATION PROGRAM.—The term ''State eugenics compensation program'' means a program established by State law that is intended to compensate individuals who were sterilized under the authority of the State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MCHENRY) and the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I rise today in support of S. 1698, the Treatment of Certain Payments in Eugenics Compensation Act, introduced by my friend and colleague, Senator THOM TILLIS of North Carolina. Senator BURR and Senator TILLIS have been very active in getting this bill passed through the United States Senate.

Mr. Speaker, S. 1698 is a bipartisan bill that will help victims of State government eugenics campaigns by excluding one-time, eugenics-related, compensation payments from consideration when calculating Federal benefits. In essence, this would ensure that the victims of State-based and State-mandated eugenics programs in the early part of the 20th century—which over 30 States actually had—are not further victimized by being kicked off the social safety net, which many of these victims who are still alive depend on.

Many of these victims are still alive today, as I mentioned. In North Carolina, at least, 220 out of the reported 7,600 victims were still living as of September of last year.

My home State has worked to make amends for those that the State victimized. Our State legislators, now led by Senator TILLIS passed—and the Governor signed—legislation that provided large, one-time compensation payments to victims of eugenics programs that are still alive and still in our society today.

In North Carolina, victims can receive payments from the State government ranging from $20– to $45,000. Our State is not alone. Virginia has a similar program, awarding $25,000 in compensation to each victim of the State's eugenics programs.

These one-time compensation payments count as normal gross income under current Federal law and could have the unintended effect of increasing some of the victim's reported income, thereby costing them access to some Federal income-based benefits.

Mr. Speaker, such an outcome is unfair. These individuals have suffered great pain at the hands of their State government and must not be further victimized by losing the important benefits they are receiving today.

The takeaway is that this was a State-created problem and the State owed them compensation, and we should ensure that these individuals are able to get the benefits they need and deserve.

Mr. Speaker, this is important legislation that is bipartisan. I am happy to have the support of my colleague, Representative BUTTERFIELD, a Democrat from North Carolina, representing eastern North Carolina as a cosponsor of this important bill.

I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 1698, the Treatment of Certain Payments in Eugenics Compensation Act.

In the early 20th century, over 30 States enacted eugenics and compulsory sterilization laws, resulting in the involuntary sterilization of over 60,000 Americans. These horrendous and discriminatory laws targeted low-income individuals, particularly single mothers, African Americans, children from large families, and people with disabilities.

Recently, two States with the most aggressive eugenics programs, Virginia and North Carolina, passed State legislation to provide compensation to the living victims of these programs. In 2013, North Carolina set aside $10 million for compensation payments; and, as of January 2015, the State had awarded approximately $20,000 to each of the 220 victims. Last year, Virginia passed a bill awarding $25,000 to each of its surviving eugenics victims.

While these payments are intended to compensate individuals for past wrongs, they may also have the unintended effect of causing victims to lose eligibility for Federal benefits determined by income thresholds. Under current law, victims who receive eugenics compensation could be denied Medicaid, Supplemental Nutrition Assistance, unemployment, or disability benefits should the payments raise their incomes above program eligibility levels.

Most eugenics victims were poor and disadvantaged in the early 20th century, and many remain so today. As such, they rely on these important Federal benefits programs to make ends meet.

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S. 1698 would ensure that State eugenics payments are treated like other medical compensation payments and not included in eligibility determination for Federal benefits. This would guarantee that eugenics victims receive all benefits they rightfully deserve.

We cannot undo the mistakes of the past, but we can do everything in our power to ensure that eugenics victims are not subjected to unfair treatment yet again. I urge my colleagues to support S. 1698.

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

Mr. MCHENRY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WALKER).

Mr. WALKER. Mr. Speaker, today I rise in support of S. 1698, the Treatment of Certain Payments in Eugenics Compensation Act.

I commend the leadership of my colleagues and friends from the State of North Carolina, Senator TILLIS, Senator BURR, and Representative MCHENRY, on this important bipartisan issue.

Today, we address a dark chapter of the early 20th century in America. Dozens of State governments unjustly and unconscionably operated eugenics programs to sterilize—by force or coercion—individuals they deemed unfit to have children. It ruthlessly targeted the undereducated, the needy, the disabled, and even African Americans.

Thankfully, this shameful practice ended many years ago, but many of its victims are still with us today. While no apology or amount of money or benefit can ever return what was lost, Virginia and our State of North Carolina recently began restitution payments to victims of this grievous injustice.

Unfortunately, this program resulted in unintended burdens for eugenics victims. The restitution payments currently count as Federal income against eligibility for Federal benefits, such as Medicaid, and may result in the denial of these benefits. Counting these payments as Federal income when they are compensation for this horrendous injustice is not right.

We are considering this important legislation today to close the unintended loophole and ensure the Federal Government does not undermine the efforts of States to provide some amount of restitution to those who were victims of this grave crime of eugenics.

This bill should remind us that every life is precious. I wholeheartedly support this legislation and urge my colleagues to do the same.

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

Mr. MCHENRY. I yield myself such time as I may consume.

Mr. Speaker, I would like to close with this:

To my colleagues, I would like to thank my Democratic colleagues for being supportive of this bipartisan piece of legislation that originated in the Senate. I would like to commend Senators BURR and TILLIS for their work in getting this important legislation through the United States Senate.

The fact of the matter is we had State-based programs that victimized our population, and that State-based victimization should be righted for those who are living. That was important work of the State legislators in North Carolina that originated this victims' compensation fund in North Carolina. It is important that we do our part for the Federal Government to ensure that those victims are not further victimized by losing their important social safety net programs that are lifesaving for them.

I urge my colleagues to support this legislation and urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, S. 1698.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BOTTLES AND BREASTFEEDING EQUIPMENT SCREENING ACT

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5065) to direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, and juice on airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5065

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 ''Bottles and Breastfeeding Equipment Screening Act''.

SEC. 2. TSA SECURITY SCREENING GUIDELINES FOR BABY FORMULA, BREAST MILK, PURIFIED DEIONIZED WATER FOR INFANTS, AND JUICE ON AIRPLANES; TRAINING ON SPECIAL PROCEDURES.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall—

(1) notify air carriers and security screening personnel of the Transportation Security Administration and personnel of private security companies providing security screening pursuant to section 44920 of title 49, United States Code, of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the Administration's guidelines known as the 3–1–1 Liquids Rule Exemption; and

(2) in training procedures for security screening personnel of the Administration and private security companies providing security screening pursuant to section 44920 of title 49, United States Code, include training on special screening procedures.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KATKO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

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

There was no objection.

Mr. KATKO. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER), the sponsor of this bill.

Ms. HERRERA BEUTLER. Mr. Speaker, I thank Mr. KATKO for his support and collaboration on this important piece of legislation.

Today, I am excited to support a bipartisan bill that I introduced, the Bottles and Breastfeeding Equipment Screening Act, or the BABES Act, to ensure that families aren't being penalized for simply trying to travel with supplies and equipment necessary to take care of their babies.

For parents, working moms, and caretakers, air travel can present its own unique challenges. To accommodate these challenges, the Transportation Security Administration, or TSA, has important exemptions in place that allow passengers to bring breast milk, bottles, and feeding equipment through airport security and on board the aircraft. It exempts them from the 3-1-1 rule.

You can imagine how important this is during longer flights for moms who have to be away from their infants for extended periods of time. I have been in this situation. This is critical.

Unfortunately, although this exemption is in place, we have seen a problem with compliance. There have been too many instances reported by parents that TSA officials either didn't know or simply refused to follow these exemptions. Parents who are trying to follow these rules are consistently singled out for harassment-like scrutiny by TSA. This has led to breast milk being forcibly tossed out, equipment being broken, and flights missed.

Mr. Speaker, a family following TSA's posted regulations shouldn't have to have their breast milk thrown out, shouldn't have to endure the travel nightmare of missing flights while they are traveling with kids because of the lack of training on the agency's part.

The BABES Act is a commonsense measure. It will hold TSA accountable in upholding its own current regulations and standards. I urge adoption of this important legislation.

I include in the RECORD two letters in support of this bill, one from the American Academy of Pediatrics and one from the March of Dimes.

AMERICAN ACADEMY OF PEDIATRICS,
May 17, 2016.

Hon. JAIME HERRERA BEUTLER,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HERRERA BEUTLER: On behalf of the American Academy of Pediatrics (AAP), a professional organization of 64,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children,

adolescents, and young adults, I write to express our appreciation for your efforts to ensure that the Transportation Security Administration (TSA) provides adequate support and accommodation for breastfeeding mothers.

The AAP strongly recommends breastfeeding as the preferred feeding method for all infants, including preterm newborn infants. Breastfeeding has proven to have numerous health benefits for both mother and child. Studies show that children who are not breastfed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, ear infections, juvenile diabetes, some chronic liver diseases, allergies and obesity. Due to the resounding evidence of improved child health and well-being, AAP recommends that mothers breastfeed exclusively for about the first six months, followed by continued breastfeeding for at least the first year of a child's life as complementary foods are introduced.

Although TSA already permits parents traveling with infants to carry breast milk and formula on board planes, many parents encounter barriers when traveling with these liquids. The important efforts you've undertaken would help ensure that the TSA is providing ongoing training to its agents to ensure that current guidelines are consistently enforced, thereby helping to guarantee that parents are able to carry the supplies they need to care for their children while traveling.

The Academy is grateful to you for your commitment to the safety and well-being of infants and children and we look forward to working with you and the TSA to ensure consistent and appropriate training and policies that accommodate pregnant and breastfeeding mothers.

Sincerely,

KAREN REMLEY, MD, MBA, MPH, FAAP,
CEO/Executive Director.

MARCH OF DIMES FOUNDATION,
OFFICE OF GOVERNMENT AFFAIRS,
September 19, 2016.

Hon. JAIME HERRERA BEUTLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN HERRERA BEUTLER: The March of Dimes, a unique collaboration of scientists, clinicians, parents, members of the business community, and other volunteers representing every state, the District of Columbia and Puerto Rico, applauds your efforts to support breastfeeding mothers and offers our endorsement for HR 5065, the Bottles and Breastfeeding Equipment Screening (BABES) Act.

Evidence demonstrates that breastfeeding has a range of significant health benefits for both mother and child. For the infant, the benefits of breastfeeding include protecting the newborn against infections, lowering the risk of sudden infant death syndrome (SIDS), and decreasing the risk for future health problems, including obesity. Unfortunately, many mothers experience obstacles to breastfeeding, including those associated with commercial air travel. The media has reported numerous cases in which women encounter difficulties bringing breastmilk, formula and infant feeding equipment through airport security checkpoints, despite Transit Security Administration (TSA) policies that allow these items in carry-on baggage.

The BABES Act would help eliminate this unnecessary hurdle by directing the TSA to ensure that all agents across the country are appropriately trained on TSA's policies and procedures related to mothers and families traveling with breastmilk, formula and infant feeding equipment. These trainings will help to ensure that agents follow established policies to ensure that women who choose to breastfeed face one less barrier to doing so while travelling.

The March of Dimes appreciates your leadership on this important issue, and we look forward to continuing to work with you to promote infant health and nutrition.

Sincerely,

DR. JENNIFER L. HOWSE,
President.

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

The Bottles and Breastfeeding Equipment Screening Act is commonsense legislation introduced by the gentlewoman from Washington (Ms. HERRERA BEUTLER). This bill codifies into law a current policy of the TSA to allow formula, breast milk, and juice through airport screening checkpoints. Although the 3-1-1 liquids rule was put in place to respond to a very real and critical threat to aviation, we must ensure that these restrictions do not interfere with a woman's ability to feed her child.

As a father, a husband, and a brother of five sisters, I know the challenges of providing care to babies; and I know that this challenge is particularly great for traveling mothers who are breastfeeding their children.

This bill would greatly alleviate the restrictions relating to breast milk and allow families to go through checkpoints, with babies, quickly. This bill also gives parents one less thing to worry about on the way to the airport and ensures that the frontline officers at the airport checkpoints receive the proper training on implementing this important exception to a security regulation. I urge my colleagues to join me in supporting H.R. 5065.

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

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

I rise in support of H.R. 5065, the Bottles and Breastfeeding Equipment Screening Act.

Mr. Speaker, it is important that those caring for young children are allowed to bring formula, breast milk, juice, and other necessary items through security checkpoints. Transportation Security Administration checkpoint security protocols already allow for this, but there is evidence that confusion about how these liquids are to be handled still exists. H.R. 5065 calls for TSA to ensure that air carriers and screening personnel are made aware of the TSA guidelines for screening these necessities.

I would note that amendments adopted during the full committee markup of these bills made the bill stronger. The committee unanimously accepted amendments offered by Representative RICE, the ranking member of the Subcommittee on Transportation Security, to ensure that this legislation is carried out by TSA in a manner so that its policies are followed whether a mother is traveling through an airport with TSA or with private screening.

Importantly, the committee also adopted an amendment by Representative SHEILA JACKSON LEE to clarify that purified deionized water for infants is also allowed.

Mr. Speaker, I urge Members to support this legislation.

I reserve the balance of my time.

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

Mr. RICHMOND. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me thank the gentleman from Louisiana for his leadership. Let me thank my good friend from New York for his leadership, and the author of the legislation as well.

Again, let me compliment the Committee on Homeland Security along with the chairman, Mr. MCCAUL, and the ranking member, Mr. THOMPSON, because we find many opportunities to work together in a bipartisan manner as it relates to the security of this Nation.

I rise to support the Bottles and Breastfeeding Equipment Screening Act, as amended, by Representative HERRERA BEUTLER, H.R. 5065, and again congratulate those who brought this particular legislation forward. I am very grateful that my amendment regarding deionized water passed as an additional aspect of what breastfeeding mothers can bring.

Let me say that although we continue to work on challenges, TSA has been on the front lines of this Nation's safety and security since 9/11 and its creation under a large umbrella, which is the Department of Homeland Security. Our committee has given oversight to this particular agency. We have worked to make sure that we close the loopholes, if you will, for the traveling public.

Aviation is still one of the largest and most attractive targets of terrorists. We understand the responsibility of the Transportation Security Administration and our TSO officers. Their job is not an easy one. We have placed a lot of rules. We had a moment when there were questions of what could be brought through the checkpoint. In this instance, this is both common sense, and these provisions will help innocent Americans traveling with their young, their babies, their wonderful children or grandchildren the opportunity to make sure that they have the items that these children need. We have seen them traveling on our many planes and traveling across the Nation.

I want to support this legislation on the basis of common sense, aviation security, national security, and working together to help our mothers as they travel throughout this Nation.

Mr. Speaker, I rise in strong support of H.R. 5065 the "Bottles and Breastfeeding Equipment Screening Act" which codifies the practices already in place that allow liquids intended for infants and babies on flights.

I thank my colleague on the Homeland Security Congresswoman HERRERA BEUTLER for

authoring this bill, which requires the Department of Homeland Security (DHS) Secretary to notify Transportation Security Officers and airlines about TSA guidelines permitting baby milk and juice on airplanes and ensure that such special procedures be integrated into TSO security training.

I recall during the weeks and months following the September 11, 2001 attacks as the nation came to terms with the new normal of terrorism there was confusion and difficulty for young parents attempting traveling with infants.

The issues were centered on the liquids that infants and babies needed, which are included in the bill and include breast milk and juice.

During my service as chair of the Subcommittee on Transportation Security, the issue of baby formula was addressed.

The ultimate solution was a change in agency policy as it related to the limitation rule regarding liquids that were required for infants and babies.

H.R. 5065 would codify the practices that the agency has in place.

I am pleased that during the markup, the committee unanimously agreed to add the Jackson Lee Amendment to H.R. 5065 which adds ''purified deionized water for infants'' which is essential for newborns during the first 3 months of life to the list of allowed liquids for infants and babies who travel on commercial flights.

I thank the Committee's majority and minority staff for working with my staff on this improvement to the underlying bill.

I urge all members to support H.R. 5065.

Mr. KATKO. Mr. Speaker, I have no other speakers. If the gentleman from Louisiana has no other speakers, I am prepared to close once the gentleman does.

I reserve the balance of my time.

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

Mr. Speaker, let me just say that this legislation was unanimously supported during full committee consideration. This is one of those areas where Congress, both sides of the aisle, came together to decide to pass a commonsense law to ease mothers and fathers who are traveling with infants, which, let me just say, is a stressful task all within itself.

To the extent that this body can make sure that we protect the traveling public but also enact commonsense rules and laws so that we make it just a little bit easier for those traveling with infants, I think it is a good thing. I am glad we came together. I would urge Members to support this legislation.

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

Mr. KATKO. Mr. Speaker, once again, I urge Members to support H.R. 5065.

Before I yield back the balance of my time, I want to note what Ms. JACKSON LEE said earlier in her statement, and that is the Committee on Homeland Security does work very well together. Generally, it is a very bipartisan committee working for the common good of keeping this country safe. This is a small example of the cooperation we have on a daily basis. I am proud to be a part of it, proud to work with my colleagues, Mr. RICHMOND and Ms. JACKSON LEE, from the other side of the aisle. I will continue to do that for the good of the country.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 5065, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 1515

GAINS IN GLOBAL NUCLEAR DETECTION ARCHITECTURE ACT

Mr. RATCLIFFE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5391) to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5391

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 ''Gains in Global Nuclear Detection Architecture Act''.

SEC. 2. DUTIES OF THE DOMESTIC NUCLEAR DETECTION OFFICE.

Section 1902 of the Homeland Security Act of 2002 (6 U.S.C. 592) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

''(b) IMPLEMENTATION.—In carrying out paragraph (6) of subsection (a), the Director of the Domestic Nuclear Detection Office shall—

''(1) develop and maintain documentation, such as a technology roadmap and strategy, that—

''(A) provides information on how the Office's research investments align with—

''(i) gaps in the enhanced global nuclear detection architecture, as developed pursuant to paragraph (4) of such subsection; and

''(ii) research challenges identified by the Director; and

''(B) defines in detail how the Office will address such research challenges;

''(2) document the rational for prioritizing and selecting research topics; and

''(3) develop a systematic approach, which may include annual metrics and periodic qualitative evaluations, for evaluating how the outcomes of the Office's individual research projects collectively contribute to addressing the Office's research challenges.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. RATCLIFFE) and the gentleman from Louisiana (Mr. RICHMOND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. RATCLIFFE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased to be considering H.R. 5391, the Gains in Global Nuclear Detection Architecture Act of 2016.

H.R. 5391 directs the Department of Homeland Security's Domestic Nuclear Detection Office, or DNDO, to develop and maintain documentation that provides information on how the Office's research investments align with gaps in the Global Nuclear Detection Architecture as well as the research challenges identified by the DNDO Director.

This bill further directs DNDO to document the rationale for selecting research topics and to develop a systematic approach for evaluating how the outcomes of the Office's individual research projects collectively contribute to addressing these research challenges.

Mr. Speaker, as the attacks in Paris, Brussels, and Turkey have shown, ISIS is accelerating its attacks on innocent people throughout the world. Individuals in this country have been inspired by ISIS to commit heinous acts and crimes on our soil, murdering 49 innocent souls in Orlando, Florida, and 14 more in San Bernardino, California.

Just this summer, 6 men were convicted in Tbilisi, Georgia, of trying to sell uranium-238; and in January, three members of a criminal group were detained for trying to sell cesium-137—both of which could be used to make a dirty bomb.

Mr. Speaker, we must absolutely ensure that terrorists never get their hands on radioactive materials, and this bill will enhance DNDO's ability to provide radiation detection devices specifically aimed at preventing terrorists from being able to obtain enough radioactive material to construct a dirty bomb.

This bill will ensure that the research topics DNDO chooses to invest in to enhance our ability to detect smuggled nuclear materials are aligned with the gaps that have been identified in the Global Nuclear Detection Architecture, a multi-agency framework for

detecting, analyzing, and reporting on nuclear and other radioactive materials that are out of regulatory control. Requiring DNDO to document the rationale for choosing research topics will ensure that the most important gaps in the Global Nuclear Detection Architecture are addressed.

Mr. Speaker, I am happy to support this measure today. I would like to thank my colleague, Mr. RICHMOND, and his team for the terrific work they have done to bring this legislation to the floor today. I believe that this bill will better enable this country to detect the smuggling of nuclear materials and will support the very critical mission of preventing ISIS and other terrorists from carrying out a nuclear or radiological attack on American soil. I urge my colleagues to support the bill.

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

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

Mr. Speaker, I rise in support of H.R. 5391, the Gains in Global Nuclear Detection Architecture Act. My bipartisan bill was approved unanimously by the Committee on Homeland Security on June 8. I appreciate the support of my ranking member, Mr. THOMPSON, and my colleagues across the aisle, Mr. RATCLIFFE and Chairman MCCAUL, in my efforts to advance this legislation.

In nuclear smuggling detection, we rely on the critical triad of intelligence, law enforcement, and technology. The Department of Homeland Security deploys detection technologies in maritime and border operations based on intelligence indicators and places them in the hands of well-trained DHS personnel.

At DHS, the Domestic Nuclear Detection Office, or DNDO, is responsible for the coordination of Federal efforts to detect and protect against attempts to import, possess, store, develop, or transport radioactive materials that may be used as weapons against our Nation.

DNDO, with its interagency partners, coordinates the U.S. Global Nuclear Detection Architecture, or GNDA, which is a framework for detecting, analyzing, and reporting on the smuggling of nuclear and radioactive materials.

In April 2015, the Government Accountability Office issued a report that looked at how DNDO manages its roughly $350 million research and development program. The GAO concluded that DNDO needed to do a better job of documenting the rationale for selecting the 189 research and development projects that it funds and how these projects align with the research challenges and identified gaps, especially gaps or vulnerabilities identified in the GNDA.

Subsequently, I introduced the Gains in Global Nuclear Detection Architecture Act to, among other things, help certify that the planning, selection, and future funding of nuclear detection research and development projects are targeted towards identified gaps in the GNDA. Such documentation is essential to confirm that DNDO is making the right research investments to keep the Nation secure.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore. The gentleman from Louisiana has 17½ minutes remaining.

Mr. RICHMOND. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I want to congratulate the gentleman for his legislation. It is very, very astute and a very important initiative, the Gains in Global Nuclear Detection Architecture Act. Again, I thank the chairman of the subcommittee as well for his leadership. He is a fellow Texan. We meet each other on several committees, but we have the opportunity to work together on these important issues.

Let me just briefly say how important this is. This is a fill-in-the-gap initiative. And the gap can be dangerous. It can be devastating. What it ensures is that we develop and maintain documentation that provides information on how the Office's research investment aligns with gaps in the enhanced Global Nuclear Detection Architecture and with research challenges identified by the Director, and that defines in detail how the Office will address such research challenges.

I have real life, if you will, examples, in the community that I come from. According to the U.S. Department of Transportation, the maritime border has 95,000 miles of shoreline and 361 seaports. One of those happens to be the Port of Houston.

Ocean transportation accounts for 95 percent of cargo tonnage that moves in and out of the country with 8,588 commercial vessels making 82,044 port calls in 2015. In my community alone, Houston, Texas, has a 25-mile maritime line.

In the Port of Houston, as we were ranked one of the first in foreign tonnage with 46 percent of market share by tonnage, we know what challenges come about in the potential of cargo being, if you will, exploited by putting in dangerous elements dealing with nuclear equipment.

So the idea of Homeland Security focusing on, as this legislation says, gains in Global Nuclear Detection Architecture, is crucial to supporting the Nation's ports, securing the Nation's tonnage, and securing the Nation.

The Securing the Cities Act was legislation that related to the idea of nuclear detection and interdiction of radiological materials. Just last year, the city of Houston was awarded an initial Securing the Cities grant of $3.5 million as the initial installment of a $30 million grant payable over 5 years.

This is a very important aspect of nuclear detection. This legislation is a great partner to filling in the gap. The grant that we received in Houston was funded through the Urban Area Security Initiative Grant Program, which I cosponsored and truly believe is a major element of protection for our cities around the Nation.

This is, again, a potentially devastating impact if some nuclear materials were able to come into a port, come into an airport, come into our communities. I ask my colleagues to support H.R. 5391, Gains in Global Nuclear Detection Architecture Act, to be able to provide more security to the United States of America.

Mr. Speaker, I rise to speak in strong support of H.R. 5391, the Gains in Global Nuclear Detection Architecture Act, which will address the threat of nuclear weapons or unapproved material materials from entering the country.

I thank my colleague on the Homeland Security Congressman CEDRIC RICHMOND for authoring this bill, which requires the Department of Homeland Security (DHS) Domestic Nuclear Detection Office, when conducting research and development to generate and improve technologies to detect and prevent the illicit entry, transport, assembly, or potential use within the United States of a nuclear explosive device or fissile or radiological material, to: develop and maintain documentation that provides information on how the Office's research investments align with gaps in the enhanced global nuclear detection architecture and with research challenges identified by the Director, and that defines in detail how the Office will address such research challenges; document the rational for prioritizing and selecting research topics; and develop a systematic approach for evaluating how the outcomes of the Office's individual research projects collectively contribute to addressing its research challenges.

As a senior member of the Homeland Security Committee, and Ranking Member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, and serving as a member of this body representing the Houston area, which is home to one of our nation's busiest ports this topic is of great concern to me.

According to the U.S. Department of Transportation the U.S. maritime border covers 95,000 miles of shoreline with 361 seaports.

Ocean transportation accounts for 95 percent of cargo tonnage that moves in and out of the country, with 8,588 commercial vessels making 82,044 port calls in 2015.

The Port of Houston is a 25-mile-long complex of diversified public and private facilities located just a few hours' sailing time from the Gulf of Mexico.

In 2012 ship channel-related businesses contribute 1,026,820 jobs and generate more than $178.5 billion in statewide economic impact.

In 2014, the Port of Houston was ranked among U.S. ports: 1st in foreign tonnage, Largest Texas port with 46% of market share by tonnage and 95% market share in containers by total TEUS in 2014, Largest Gulf Coast container port, handling 67% of U.S. Gulf Coast container traffic in 2014, 2nd ranked U.S. port in terms of total foreign cargo value (based on U.S. Dept. of Commerce, Bureau of Census).

The Government Accountability Office (GAO), reports that this port, and its waterways, and vessels are part of an economic engine handling more than $700 billion in merchandise annually.

The Port of Houston houses approximately 100 steamship lines offering services that link Houston with 1,053 ports in 203 countries.

The Port of Houston has $15 billion petrochemical complex, the largest in the nation and second largest worldwide.

These statistics clearly communicate the potential for a terrorist attack using nuclear or radiological material may in some estimations be low, but should an attack occur the consequences would be catastrophic, and for this reason we cannot be lax in our efforts to deter, detect and defeat attempts by terrorists to perpetrate such a heinous act of terrorism.

DHS plays an essential role in domestic defense against the potential smuggling of a weapon of mass destruction in a shipping container or the use of a bomb-laden small vessel to carry out an attack at a port.

I was pleased to have been one of the lead sponsors of the ''Securing the Cities Act,'' when it was introduced in 2006 and reauthorized in 2010 and 2015.

The ''Securing the Cities Act,'' mandated that DHS's Director for Domestic Nuclear Detection to create a Securing the Cities program.

The purpose of the ''Securing the Cities Program'' mandated by the legislation is to:

1. Assist state, local, tribal, and territorial governments in creating and implementing, or perfecting existing structures for coordinated and integrated detection and interdiction of nuclear or other radiological materials that are out of regulatory control;

2. Support the creation of a region-wide operating capability to identify and report on nuclear and other radioactive materials out of operational control;

3. Provide resources to improve detection, analysis, communication, and organization to better integrate state, local, tribal, and territorial property into federal operations;

4. Facilitate the establishment of protocol and processes to effectively respond to threats posed by nuclear or radiological materials being acquired or used by terrorists; and

5. Designate participating jurisdictions from among high-risk urban areas and other cities and regions, as appropriate, and notify Congress at least three days before designating or changing such jurisdictions.

The 18th Congressional District of Texas, which I represent, is centered in the Houston area, the 4th largest city in the United States and home to over 2 million residents.

Last year the City of Houston was awarded an initial ''Securing the Cities'' grant of $3.5 million by the Department of Homeland Security (DHS), as the initial installment of a $30 million grant payable over 5 years.

This grant is funded through the Urban Area Security Initiative Grant Program, which I cosponsored and have strongly supported throughout my tenure on the Homeland Security Committee.

The grant funding enables the City of Houston and its partners to work with DHS's Domestic Nuclear Office to build a robust, regional nuclear detection capability for law enforcement and first responder organizations.

This is an important joint local and federal effort to increase the ability of major urban cities to detect and protect against radiological and nuclear threats.

The DHS Domestic Nuclear Detection Office provides equipment and assistance to regional partners in conducting training and exercises to further their nuclear detection capabilities and coordinate with federal operations.

Unfortunately, the age of terrorism makes this a more dangerous and uncertain time than the decades following World War II when nation/state nuclear arsenals were being created.

Nuclear threats are more perilous than what our nation faced during the Cold War because these threats come from non-state actors who often do not have the same level of concern for the wellbeing of their people who may face the consequences of a nuclear attack against the United States.

This is why this legislation is needed to address the real threat of loose nuclear material and the possibility that it might find its way into the hands of terrorist or criminals.

It is important that we remain constantly vigilant on the issue of nuclear threats that are present in our world today.

H.R. 5391, is an essential tool to add to the work being done by DHS to deter, detect, mitigate and defend against domestic nuclear threats.

I encourage my colleagues on both sides of the aisle to support H.R. 5391.

Mr. RICHMOND. Mr. Speaker, I have no other speakers, and I yield myself the balance of my time.

Mr. Speaker, my bill, H.R. 5391, would help verify that DHS carefully prioritizes research and development projects to actually close identified vulnerability gaps in the Global Nuclear Detection Architecture.

Across the Federal Government, our goal is to prevent nuclear terrorism by making it an excessively difficult undertaking for our adversaries. Getting research and development right at DNDO is critical to that effort.

I would urge my colleagues to support H.R. 5391.

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

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

I, once again, would like to commend and congratulate my friend, the gentleman from Louisiana (Mr. RICHMOND), for this very important national security bill.

I urge my colleagues to support H.R. 5391.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. RATCLIFFE) that the House suspend the rules and pass the bill, H.R. 5391, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CO-OP CONSUMER PROTECTION ACT OF 2016

Mr. SMITH of Nebraska. Mr. Speaker, pursuant to House Resolution 893, I call up the bill (H.R. 954) to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO-OP) program, as amended, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, printed in the bill, is adopted and the bill, as amended, is considered read.

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

H.R. 954

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 ''CO-OP Consumer Protection Act of 2016''.

SEC. 2. EXEMPTION FROM INDIVIDUAL MANDATE FOR CERTAIN INDIVIDUALS WHO HAD COVERAGE UNDER A TERMINATED HEALTH PLAN FUNDED THROUGH THE CONSUMER OPERATED AND ORIENTED PLAN (CO–OP) PROGRAM.

(a) IN GENERAL.—Section 5000A(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) CERTAIN INDIVIDUALS PREVIOUSLY ENROLLED IN HEALTH PLANS FUNDED THROUGH THE CONSUMER OPERATED AND ORIENTED PLAN (CO–OP) PROGRAM.—Any applicable individual for any month if—

''(A) such individual was enrolled in minimum essential coverage offered by a qualified nonprofit health insurance issuer (as defined in subsection (c) of section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042)) receiving funds with respect to such coverage through the Consumer Operated and Oriented Plan program established under such section,

''(B) during the calendar year which includes such month, such issuer terminated such coverage in the area in which the individual resides, and

''(C) such month ends after the date on which such coverage was so terminated.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to months beginning after December 31, 2013.

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

The gentleman from Nebraska (Mr. SMITH) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Nebraska.

□ 1530

GENERAL LEAVE

Mr. SMITH of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 954, currently under consideration.

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

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 954, the CO-OP Consumer Protection Act.

H.R. 954 is a simple bill rooted in fairness. If you are a consumer who complied with the Federal mandate to obtain health insurance coverage and your coverage was terminated midyear because the Consumer Oriented and Operated Plan, or CO-OP, you bought your plan from collapsed, you shouldn't be liable for the individual mandate penalty for the remainder of that calendar year.

I don't need to spend a lot of time on the history of the CO-OP program, but just very briefly, more than $2 billion, largely in the form of low-interest, startup, and solvency loans, was distributed to approved CO-OPs under the ACA.

Now, 17 of the 23 CO-OPs, which received more than $1.7 billion of those dollars, have closed or are in the process of closing, with the remaining six also struggling to remain solvent.

The 17th CO-OP to announce its closure was Health Republic of New Jersey, which announced it would be winding down prior to the 2017 plan year 2 weeks ago, just days after we marked up this bill in the Ways and Means Committee.

The first CO-OP to close was CoOpportunity Health, which sold plans covering 120 Nebraskans and Iowans in 2014 before being taken over by the Iowa Department of Insurance late that year.

While health providers in Nebraska and Iowa were made whole for services provided to CoOpportunity planholders through the States' guaranty funds, consumers, and the remaining insurers in the two States are now paying back the guaranty funds for those costs.

Similar situations have played out in other States covered by collapsed CO-OPs, including States like New York, Oregon, Ohio, and Illinois, where planholders lost coverage midyear.

When CoOpportunity collapsed, I heard from nearly 300 constituents with concerns about what this loss of coverage meant to them and their finances. The vast majority of these people wanted to have health insurance coverage and did buy new coverage, but were concerned a brief lapse would still lead to them paying a penalty.

The other side will tell you this bill is unnecessary because these people were provided a special enrollment period and could already apply for a hardship exemption. Most Nebraskans took advantage of that special enrollment. I still heard from many of them that the likelihood of accidentally incurring a tax penalty was at the front of their minds during this period of time.

There are already more than 20 exemptions to the individual mandate in the law. Those who lost insurance through no fault of their own after doing their best to follow the law and whose unique circumstances led them not to seek new coverage for the remainder of the year should not be forced to file additional paperwork and rely on the opinion of a bureaucrat to ensure they aren't subject to a tax penalty. And they certainly shouldn't have to worry about this additional tax, while also searching among very limited options for a new insurance plan.

Mr. Speaker, I acknowledge there is broad disagreement about the individual mandate. This bill isn't about that. It is about ensuring a small fraction of consumers in a small number of States who did their very best to comply with the law don't have to worry about the threat of a tax penalty. It is also about ensuring if any remaining CO-OPs are terminated midyear in the future that those consumers have one less concern than Nebraskans had last year.

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

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

Mr. Speaker, this bill before us today is yet another attempt to undermine the Affordable Care Act, plain and simple. In fact, it is now the 65th such attempt by Republicans since the ACA was signed into law.

There is no denying that the ACA has provided quality, affordable health coverage to more than 20 million previously uninsured Americans. And importantly, individuals can no longer be denied coverage, as they could in the past, for preexisting conditions like high blood pressure or diabetes.

And thanks to the ACA, a new survey from the Centers for Disease Control and Prevention found that the number of uninsured Americans has fallen to just 8.6 percent, the lowest level ever recorded. Let's also not forget that over the last few years, healthcare costs have been growing at the slowest rate in more than 50 years, according to the Council of Economic Advisers. And the ACA improved Medicare's coverage for prescription medicines and preventive care for seniors.

This bill undermines the individual responsibility provision of the ACA, which is important in making many of its benefits possible, including no one being denied coverage, no preexisting conditions, and no gender discrimination.

There are provisions in the ACA to provide when coverage is interrupted in the middle of a policy. In cases of CO-OP closures during a policy year, there is the ACA provision of a special enrollment period, SEP, to allow individuals to continue to have coverage.

The Department of Health and Human Services indicates that each individual affected by a midyear CO-OP closure was contacted at least 20 times, providing individuals with additional plan choices they could enroll in during the special enrollment period. All individuals in States with midyear CO-OP closures had additional choices available to them.

And in instances where a purchasing plan needed to be undertaken and would be financially difficult, these individuals could also apply for a hardship exemption from the individual mandate penalty. HHS has a number of avenues for individuals to apply for an exemption for a variety of life circumstances where premiums are a financial burden.

The Joint Committee on Taxation scored this bill using a generic model, since there was no available data on the number of individuals potentially impacted.

Every step of the way, every step of the way, Republicans have worked to undermine CO-OPs and ensure their failure. Republicans were responsible for the severe reductions in the amount of money available to the CO-OPs from Federal loans and strict limits to risk corridor payments. CO-OPs that misestimated the risk pool should have been eligible for risk stabilization payments to help weather the early years of an unknown market, but the Republicans made sure those stabilizing funds would not be available as part of their effort to kill the ACA with a thousand cuts.

The American Academy of Actuaries noted that weakening the individual mandate, as this bill would do, will lead to both higher premium costs for patients and higher costs to the Federal Government.

BlueCross and BlueShield, one of the largest insurers in the Nation, agrees that exemptions from the mandate will drive prices higher.

We know that this bill will not be signed into law. This morning, the White House released its Statement of Administration Policy on this legislation, stating:

''The Administration strongly opposes House passage of H.R. 954. The Administration remains committed to providing Americans with accessible, quality, and affordable health coverage, including by addressing issues that arise when their health insurers stop offering coverage during the year. In such circumstances, the Administration has offered special enrollment periods, provided consumer outreach, and worked with state departments of insurance to ensure consumers have smooth transitions to other health plans. Individuals for whom coverage is unaffordable or who experience a hardship also may qualify for an exemption from the individual-responsibility provision of the law. These options are available to all consumers in these circumstances, not just those enrolled in coverage through CO-OPs.

''H.R. 954 would exempt anyone whose CO-OP ends coverage during the year from the individual-responsibility provision. This is unnecessary given consumer protections already available. Moreover, it would create a bad precedent for using exemptions from the individual-responsibility provision to address unrelated concerns about

the Affordable Care Act. The individual-responsibility provision is a necessary part of a system that prohibits discrimination against individuals with pre-existing conditions and requires guaranteed issuance. The provision helps prevent people from waiting until they get sick to buy health insurance or dropping health insurance when they believe they do not need it. Weakening the individual responsibility provision would increase health insurance premiums and decrease the number of Americans with coverage.

''The Administration always is willing to work with the Congress on fiscally responsible ways to further improve health care affordability and the Affordable Care Act. The President's budget offers a number of proposals to do so. However, H.R. 954 would be a step in the wrong direction, because it would create a precedent that undermines a key part of the law and would do nothing to help middle-class families obtain affordable health care.

''If the President were presented with H.R. 954, he would veto the bill.''

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

STATEMENT OF ADMINISTRATION POLICY

H.R. 954—CO-OP CONSUMER PROTECTION ACT OF 2016—REP. SMITH, R–NE, AND SEVEN COSPONSORS

The Administration strongly opposes House passage of H.R. 954. The Administration remains committed to providing Americans with accessible, quality, and affordable health coverage, including by addressing issues that arise when their health insurers stop offering coverage during the year. In such circumstances, the Administration has offered special enrollment periods, provided consumer outreach, and worked with state departments of insurance to ensure consumers have smooth transitions to other health plans. Individuals for whom coverage is unaffordable or who experience a hardship also may quality for an exemption from the individual-responsibility provision of the law. These options are available to all consumers in these circumstances, not just those enrolled in coverage through CO-OPs.

H.R. 954 would exempt anyone whose CO-OP ends coverage during the year from the individual-responsibility provision. This is unnecessary given consumer protections already available. Moreover, it would create a bad precedent for using exemptions from the individual-responsibility provision to address unrelated concerns about the Affordable Care Act. The individual-responsibility provision is a necessary part of a system that prohibits discrimination against individuals with pre-existing conditions and requires guaranteed issuance. The provision helps prevent people from waiting until they get sick to buy health insurance or dropping health insurance when they believe they do not need it. Weakening the individual responsibility provision would increase health insurance premiums and decrease the number of Americans with coverage.

The Administration always is willing to work with the Congress on fiscally responsible ways to further improve health care affordability and the Affordable Care Act. The President's Budget offers a number of proposals to do so. However, H.R. 954 would be a step in the wrong direction, because it would create a precedent that undermines a key part of the law and would do nothing to help middle-class families obtain affordable health care.

If the President were presented with H.R. 954, he would veto the bill.

Mr. SMITH of Nebraska. Mr. Speaker, I certainly will reflect briefly on the comments of my colleague across the aisle who says that all of the problems have been worked out, that all the provisions have been met, and that anyone who lost their coverage, through no fault of their own, would find an exemption or a consideration from the bureaucracy.

I just want to say that Americans who have lost their coverage certainly deserve certainty that they won't be subject to the penalties when they lost their coverage, and not just promises that the Federal Government might take into consideration their situation.

There had been many characterizations of how easy enrollment would be some time ago. It hasn't worked out that way.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank the gentleman from Nebraska (Mr. SMITH) for yielding time to me.

Mr. Speaker since ObamaCare passed, we have seen nothing but major problems: higher costs, higher premium costs, higher out-of-pocket costs, network disruptions, and coverage disruptions.

Just 2 years after the implementation of ObamaCare, the Louisiana Health Cooperative closed its doors. Actual 2014 enrollment in the CO-OP was less than half of estimated enrollment: 13,000 midyear in 2014, compared to the 28,100 projected. By December 2014, those numbers had dropped significantly, the highest percentage loss among all the Nation's 23 CO-OPs during that period.

Over 7,000 Louisianans complied with ACA's individual mandate by purchasing health insurance through one of the CO-OPs created under the law, but their plan was terminated midyear by the failure of that CO-OP.

Now, let's just have some common sense here. This was no fault of the good men and women who put their faith and put their hard-earned premium dollars into this CO-OP. They enrolled, as required by law. And it is just wrong, it is wrong to hold these working families financially responsible for the cost of a CO-OP's failure because it went under due to factors out of their control.

Mr. SMITH's bill is very narrowly crafted to provide this kind of relief. It is a commonsense bill. It helps people who are struggling with these costs, many of whom have lost employment and everything else.

That is why I support the CO-OP Consumer Protection Act. This is really important legislation that will help Americans across this country who have been harmed, harmed by ObamaCare's closing of these CO-OPs. It is not their fault. We should provide them with some relief under difficult economic conditions.

I urge my colleagues to support this legislation. It is common sense. It is narrowly crafted, and it is the right thing to do. It is the moral thing to do.

□ 1545

Mr. LEVIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MCDERMOTT), the ranking member on the Health Subcommittee of the Committee on Ways and Means.

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I would like to offer a piece of advice to my Republican colleagues. Be careful what you wish for because you may get it, because, despite this newfound compassion for consumers, if you listen to these crocodile tears flowing out here, you would think they really cared. The truth is Republicans wanted the CO-OPs to fail from the very start. For years, they have systematically undermined the program and made it virtually impossible for CO-OPs across this country to succeed.

Now, let's look exactly at what they did, because that is a pretty hard thing I am saying. Back in 2013, under Republican leadership, Congress slashed the funding for loans and grants to CO-OPs by nearly two-thirds. The President set it at one level and the Republicans said: No, we will give you one-third of it. So they cut it from the very start. That devastated the program during the early days and denied consumers access to dozens of new plan choices in the marketplace.

But they didn't stop there. They were determined they were going to get those CO-OPs. In 2014, the Republicans inserted a rider in the CR/omnibus bill. This blocked the administration from shifting discretionary funding—discretionary funding—into the ACA's risk corridor program which they disingenuously—the Republicans—called an insurance company bailout. The truth is that this rider was a deliberate effort to destabilize CO-OPs which were taking on new populations under the ACA. It isn't only the CO-OPs, but it is also the small insurers.

It cut risk corridor payments to one-eighth. The President put in a dollar, the Republicans put in 12 cents, and that devastated CO-OPs. It created unpredictability, and small insurers have also got their problems and are now raising rates. With the deck stacked against them, it is no wonder that so many fledgling CO-OPs struggled. They were a victim of a partisan political attack that they simply couldn't withstand. They didn't have the money.

Now, my Republican colleagues didn't do this out of ignorance. They did it out of malice because they knew the importance of risk mitigation. They knew exactly what they were doing. In fact, when they wanted to make their own insurance program work—put in a few years before called part D of Medicare—the Republicans

embraced risk management with open arms. In 2003, when President Bush's Medicare part D bill incorporated risk management measures, they were nearly identical—nearly identical—to the ones in the ACA.

But unlike the ACA, they funded those measures very generously. In fact, as the part D market—the drug market—fully stabilized, many experts have been saying that the risk management measures could now be scaled back or revised. Yet, once the Republicans give money to somebody, they continue to fund it generously, funneling millions—billions, actually—into part D plan sponsors even if they don't need it. They are giving it to the drug companies. But they wouldn't give it to the CO-OPs. The drug companies they love, but the CO-OPs they hated, so they took it away.

Now, talk about an insurance company bailout. Of course, the Affordable Care Act hasn't received the same treatment. Instead, we are prepared today to vote again to undermine the law weakening the individual mandate with yet another carve-out. Republicans somehow believe you can put together a healthcare system and only take in the sick, I guess. You can't have an individual mandate that everybody has to be a part of it.

So this bill raises many questions, but we never even had a hearing on it. They didn't want anybody to come in and testify about what this bill was going to do or what it might do or what it has done or what it will do. They simply rammed it through the Ways and Means Committee. One member wanted it, and one member had one story from one place in this country and said this is a bill we need.

We don't actually know how many people might have paid the individual mandate because they didn't enroll in coverage following the midyear CO-OP collapse, but we do know one thing: this bill will weaken the individual mandate.

It seems like a small change, and I admit it is a small change, but if you go down this road—the Chinese say death by 1,000 cuts. This is the first cut or the second cut or whichever one you want. They are threatening the sustainability of the entire health insurance industry. We know this because, in Washington State, we have seen it.

When you try to provide universal coverage but don't have a mandate, the system simply doesn't work. We tried it in Washington State in 1993. We had an individual mandate and everybody had to have insurance and so forth, and then the Republicans in Washington State decided let's take out the individual mandate. The result was a disaster. Healthy people couldn't get covered, and premiums spiked out of control, creating a death spiral that devastated the individual insurance market.

By 1999, not one single insurer in the United States of America was selling individual policies in the State of Washington because of taking away that individual mandate. This was a catastrophe for everyone: doctors, hospitals, insurers, and most importantly for consumers like the person that we heard the story about that we all feel it is too bad it happened. But they created it. They created the facts that made it happen.

So when my Republican colleagues put forward a bill to weaken the mandate under the guise of helping consumers, I have a hard time believing it because their record is clear. After more than 60 votes to deny Americans health coverage—they tried to repeal ObamaCare over and over and over and over and so on—years of systematic sabotage of the CO-OPs and today's crocodile tears about the plight of CO-OP consumers, it is downright impossible to take them seriously. The Members in this body should vote ''no.''

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like the RECORD to reflect that hearings have taken place that have included the subject matter of the CO-OPs. In fact, I recall the chief of staff from HHS came before the Ways and Means Committee, and we had a rather extended discussion on the CO-OPs, CoOpportunity Health, and the numerous others that have failed; but, more importantly, it is crucial to establish the record on the risk corridor.

The gentleman from Washington stated that it is Republicans who designed this to fail. Number one, Republicans are not responsible for the design of any part of this. Interestingly enough, we were told by the administration, and, in fact, the administration is on record, that the risk corridor program was intended to be operated on a revenue-neutral basis, that is, risk corridor payments would be offset by payments collected by other insurers. Congress simply acted, and I would add, on a bipartisan basis to codify that very statement.

In fact, I include in the RECORD an April 2014 memo from CMS, from Centers for Medicare and Medicaid Services, explaining how risk corridor funding would be prorated if receipts were insufficient to meet requests.

DEPARTMENT OF HEALTH & HUMAN SERVICES, CENTERS FOR MEDICARE & MEDICAID SERVICES,
Washington, DC., April 11, 2014.

RISK CORRIDORS AND BUDGET NEUTRALITY

Q1: In the MIS Notice of Benefit and Payment Parameters for 2015 final rule (79 FR 13744) and the Exchange and Insurance Market Standards for 2015 and Beyond NPRM (79 FR 15808), HHS indicated that it intends to implement the risk corridors program in a budget neutral manner. What risk corridors payments will HHS make if risk corridors collections for a year are insufficient to fund risk corridors payments for the year, as calculated under the risk corridors formula?

A1: We anticipate that risk corridors collections will be sufficient to pay for all risk corridors payments. However, if risk corridors collections are insufficient to make risk corridors payments for a year, all risk corridors payments for that year will be reduced pro rata to the extent of any shortfall. Risk corridors collections received for the next year will first be used to pay off the payment reductions issuers experienced in the previous year in a proportional manner, up to the point where issuers are reimbursed in full for the previous year, and will then be used to fund current year payments. If, after obligations for the previous year have been met, the total amount of collections available in the current year is insufficient to make payments in that year, the current year payments will be reduced pro rata to the extent of any shortfall. If any risk corridors funds remain after prior and current year payment obligations have been met, they will be held to offset potential insufficiencies in risk corridors collections in the next year.

Example 1: For 2014, HHS collects $800 million in risk corridors charges, and QHP issuers seek $600 million risk corridors payments under the risk corridors formula. HHS would make the $600 million in risk corridors payments for 2014 and would retain the remaining $200 million for use in 2015 and potentially 2016 in case of a shortfall.

Example 2: For 2015, HHS collects $700 million in risk corridors charges, but QHP issuers seek $1 billion in risk corridors payments under the risk corridors formula. With the $200 million in excess charges collected for 2014, HHS would have a total of $900 million available to make risk corridors payments in 2015. Each QHP issuer would receive a risk corridors payment equal to 90 percent of the calculated amount of the risk corridors payment, leaving an aggregate risk corridors shortfall of $100 million for benefit year 2015. This $100 million shortfall would be paid for from risk corridors charges collected for 2016 before any risk corridors payments are made for the 2016 benefit year.

Q2: What happens if risk corridors collections do not match risk corridors payments in the final year of risk corridors?

A2: We anticipate that risk corridors collections will be sufficient to pay for all risk corridors payments over the life of the three-year program. However, we will establish in future guidance or rulemaking how we will calculate risk corridors payments if risk corridors collections (plus any excess collections held over from previous years) do not match risk corridors payments as calculated under the risk corridors formula for the final year of the program.

Q3: If HHS reduces risk corridors payments for a particular year because risk corridors collections are insufficient to make those payments, how should an issuer's medical loss ratio (MLR) calculation account for that reduction?

A3: Under 45 CFR 153.710(g)(1)(iv), an issuer should reflect in its MLR report the risk corridors payment to be made by HHS as reflected in the notification provided under 153.510(d). Because issuers will submit their risk corridors and MLR data simultaneously, issuers will not know the extent of any reduction in risk corridors payments when submitting their MLR calculations. As detailed in 45 CFR 153.710(g)(2), that reduction should be reflected in the next following MLR report. Although it is possible that not accounting for the reduction could affect an issuer's rebate obligations, that effect will be mitigated in the initial year because the MLR ratio is calculated based on three years of data, and will be eliminated by the second year because the reduction will be reflected. We intend to provide more guidance on this reporting in the future.

Q4: In the 2015 Payment Notice, HHS stated that it might adjust risk corridors parameters up or down in order to ensure budget neutrality. Will there be further adjustments

to risk corridors in addition to those indicated in this FAQ?

A4: HHS believes that the approach outlined in this FAQ is the most equitable and efficient approach to implement risk corridors in a budget neutral manner. However, we may also make adjustments to the program for benefit year 2016 as appropriate.

Mr. SMITH of Nebraska. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Speaker, I want to thank my good friend from Nebraska for yielding some time.

Mr. Speaker, it is interesting that we talk about crocodile tears. There is nothing of the sort on this side of the aisle. Frankly, I find it fascinating because, when I talk to some of my colleagues on the other side of the aisle, they recognize that there are issues and problems with the Affordable Care Act. Premiums have gone through the roof, deductibles are sky-high, and families are paying more and more each and every day in order to be able to provide health insurance for their families.

People say: I want to help fix, let's try to help fix. This is a very narrowly tailored bill, Mr. Speaker.

Let me tell you what this bill is not. This bill is not something that will abolish the individual mandate—far from it, far from abolishing the individual mandate.

Rising healthcare costs and uncertainty are plaguing communities and families across our country. In Illinois, the Land of Lincoln CO-OP collapsed in July, resulting in 49,000 people across the State losing their coverage. Now these families will need to switch plans and risk losing access to their doctors or pay a tax penalty at the end of the year, which will put affordability of quality care even further out of reach.

Mr. Speaker, here is just one example that I have heard from one of my constituents. They were paying nearly $2,500 a month in premiums through the Land of Lincoln plan. Their family paid $2,700 in their deductible and even put $5,000 toward their out-of-pocket maximum. Now they are being forced, because it has gone away, to start back at zero. The plan ends on October 1.

So what this narrowly tailored bill would do, Mr. Speaker, is it would basically say, if you can't find a plan, if for some reason you don't get the memo back from the bureaucrat that you are not going to get a tax bill, it still requires that same family, come January 1, to go get insurance. But what we want to do is we want to say to these families that, if indeed you have not gotten your insurance in those 2 months, that you will not be given a tax penalty by the IRS.

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

Mr. SMITH of Nebraska. Mr. Speaker, I yield the gentleman from Illinois an additional 1 minute.

Mr. DOLD. Here is the bottom line, Mr. Speaker. Families like the one that I just mentioned all across Illinois are already losing their healthcare coverage. The absolute least we can do is help them get through this year by providing relief from a costly tax penalty.

The insurance that they lost, they lost through no fault of their own. They were doing the right things because they want coverage for their families. The least that we can do for these next couple of months—or should another CO-OP in the future fail midyear—is not give them a tax penalty from the IRS.

Moving forward, I remain focused on working with everyone who is willing to roll up their sleeves and do the hard work needed to drive down costs, increase access to quality care, and make our healthcare system work for everyone.

Mr. LEVIN. I yield myself 1 minute, Mr. Speaker.

Mr. Speaker, I just want to say to the gentleman from Illinois that the last thing the Republicans have wanted to do is to work with us to make ACA work better—the last thing. Instead, they have, time and time again, tried to destroy ACA.

In Illinois, there are nine carriers providing health insurance. If there is an interruption, whether it is a CO-OP or another plan, under ACA, there is a special period available for people to obtain a different insurance—nine different carriers.

Essentially, what this is is an effort to destroy a provision that is so important to making healthcare reform viable. That is my answer to the gentleman from Illinois.

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

Mr. SMITH of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the majority leader.

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

Before I speak, Mr. Speaker, I want to congratulate the gentleman. He has seen a problem, he has listened to his constituents, and he is doing something about it—exactly what we expect from our statesmen.

Mr. Speaker, ObamaCare is collapsing all around us. Insurers are backing out, people can't afford the premiums, and even heavily subsidized CO-OPs are crashing. More than $2 billion were funneled into 23 CO-OPs across the country: 16 have gone under or are about to go under; the other 7 are just treading water.

Now, what does that mean? That means people who had insurance, who purchased it just as ObamaCare forced them to do, were left in the lurch when the CO-OP they got and the insurance failed. Now, that is bad enough. This is just another way the promise that all of us were told ''if you like your plan, you can keep it'' was broken. So these people are left without insurance through no fault of their own, insurance they were forced to buy.

What is the response? What does ObamaCare say? Tax them. Tax them for not having insurance.

Now, I don't know about you, Mr. Speaker, but isn't that a little crazy? How can you punish people for not having insurance when the CO-OP they bought their insurance from goes under? It is bad enough people are left without insurance because of the failures of ObamaCare; but why should we have the IRS punish them on top of that?

□ 1600

Frankly, you don't solve problems by kicking people when they are down. Representative ADRIAN SMITH's bill would stop this. Government shouldn't be in the business of taxing people when they lose their insurance, especially when the CO-OP they used failed.

Nothing less than replacing ObamaCare will stop all of the havoc it is causing. In the meantime, we have an obligation to offer relief to the people hurt by this law.

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

Mr. SMITH of Nebraska. Mr. Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), my colleague from the Energy and Commerce Committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding and for his work on this issue.

I think we have to go back in history a little bit on this. ObamaCare was passed into law, signed into law, in 2010. A part of that law, by the way, we had to wait until it passed so we could read it and find out what all was in it established this CO-OP program. The way the law was written, it allowed CMS to go in and put in place the terms of the loans for the CO-OP program.

Now, our colleague from Washington said it was the fault of Congress. I want to remind you that we did not do the loan terms that have been so onerous. That was done through the rulemaking process by CMS. The way they set this up put the CO-OPs at a disadvantage from the start. As a result of this, we are seeing these plan failures. This is a mandate that is crumbling under its own weight, the weight of the mandate, coupled with the way CMS has handled the terms of these loans.

Now, the Energy and Commerce Committee, where I serve as vice chair, had released a report earlier this month looking at the failures of these CO-OPs and the investigation that we have had on this. The report reviewed CMS' mismanagement of this program.

Closures of these CO-OPs have left consumers scrambling for health insurance. It gives them fewer options. It provides them with less affordable choices. So the Affordable Care Act becomes unaffordable for millions of Americans. Eight million of that 20 million had insurance from their employer. They were perfectly happy. All of a sudden they are thrown into a program, and now the insured goes out of business. Fewer choices.

Even in my State of Tennessee, our insurance commissioner, Julie McPeak, testified before the Energy and Commerce Committee about the burdens of CO-OPs and the failures that it has brought about on our State regulators and our communities.

When Tennessee's CO-OP, the Community Health Alliance Mutual Insurance Company, failed approximately 27,000 Tennesseans, they were all forced to find new plans. Only 6 of the original 23 CO-OPs remain. I will tell my colleagues that this is what you call a false hope. It did not work. It made the situation worse.

The SPEAKER pro tempore (Mr. SIMPSON). The time of the gentlewoman has expired.

Mr. SMITH of Nebraska. Mr. Speaker, I yield the gentlewoman an additional 1 minute.

Mrs. BLACKBURN. A recent HHS-OIG report found that the remaining CO-OPs are becoming financially insolvent. They are looking as if they, too, are going to go the way of the others that have failed. Not only does the failure of CO-OPs waste tax dollars, it also leaves individuals in the lurch.

I am pleased that this legislation is coming before us. It implements our committee's recommendation by ensuring that individuals who make a good faith effort to comply with the individual mandate are not further punished as a result of a CO-OP's failure.

Mr. LEVIN. Mr. Speaker, I yield myself 1 minute.

As we have outlined—the administration has likewise—there are provisions when policies are interrupted, whether it is CO-OPs or otherwise, in the law for people to take advantage of, in the law that you want to destroy.

Let me just mention, in terms of Nebraska, there are 45,000 people in Nebraska who are not covered by Medicaid because of the failure of the government there to access. In Tennessee, there are 180,000 people—180,000. You talk about hopes. Those are people who had hopes, and the government essentially thumbed their nose at those hopes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of our committee. '

Mr. BLUMENAUER. Mr. Speaker, I thank Mr. LEVIN. I appreciate his courtesy and I appreciate his focus on the challenges inherent with the legislation we have before us.

If people want to understand why we are having problems under the Affordable Care Act, this is a great example. Every single major piece of legislation, to my knowledge, landmark legislation, has required fine tuning and modification. That has generally been the spirit where people in both parties move forward to try and deal with occasional oversights, areas to improve mistakes, and opportunities to make it better.

What we have seen for 6 years under the Affordable Care Act is that there has been an entirely different mind-set. It was to try and make it worse. It was to try and undercut it. I think my count is that this is the 65th time there has been an attempt to repeal all or part of the Affordable Care Act.

It is pretty stark what this has produced. We have—and it is unassailable—the lowest uninsured rate in America right now. In fact, some of the 19 States that have refused the expansion of Medicaid under the Affordable Care Act, even there has been a reduction because of the availability of subsidies to help make it affordable.

The insurance policies that people have are fundamentally better. You can no longer deny coverage for preexisting conditions. I thought at the time that Members of Congress should have declared a conflict of interest because I think virtually all of us would have been subjected to problems getting insurance if they were denied on the basis of preexisting conditions.

What we have seen from the outset is that people refused during the legislative process itself to be able to have the give-and-take of a conference committee. Because Republicans refused to legislate, it had to be adopted under the reconciliation process. And then for 6 consecutive years, no refinement, no adjustment, just steadily chipping away.

Now, I have a couple of CO-OPs in my district. Those were an interesting addition to try and add some additional competition in a model that would not be for-profit insurance. They were given, under the existing legislation, access to a risk corridor to try and even out premiums because we knew it would be impossible with all of the moving pieces for people to be able to very precisely determine exactly what the rates should be. So there was some give, there was some adjustment, for the risk corridors to be able to have additional resources for people who hadn't quite gotten it right.

That was envisioned under the initial act. It was something that insurance companies in Oregon thought that Congress would keep its word. They planned accordingly. Unfortunately, the junior Senator, the gentleman from Florida (Mr. RUBIO), in the 2014 omnibus stripped out that language. It really didn't get the attention that it deserved at the time, and that was a big piece of legislation that was rumbling through, pressed for time, and not given the real authoritative give-and-take and attention that it deserved. But that took away money that those people had been promised, that they needed, and were depending on.

So we precipitated a crisis, like we have seen with other areas with attacking the Affordable Care Act. We see the 19 States that have refused Medicaid expansion under a relatively tortured interpretation of the Supreme Court. Nobody that I know of, when we were voting on the Affordable Care Act, thought that States would be able to voluntarily deny health care to people who were too poor to qualify for the subsidies; but, amazingly, 19 States have done that. That is another area of instability that has posed problems with insurance markets. States that actually did expand have seen less of the upheaval.

It brings us to today where people are chipping away again in this effort with a piece of legislation that is absolutely unnecessary to repeal part of the individual mandate. The individual mandate, by the way, was put in the Affordable Care Act as part of an effort to forge a bipartisan solution. Bear in mind, the mandate that people purchase insurance was not a Democratic idea. It was something that was part of the Republican alternative to HillaryCare in the early 1990s. But it makes sense to have a mandate so that these burdens are shared broadly and everybody benefits.

Well, there is no reason to get rid of the individual mandate. These people who are in a failed CO-OP already have—because under current law, if you have a plan that closed midyear, you are already allowed a special enrollment period to choose new coverage. And if there are any individuals for whom coverage is unaffordable or they experience a hardship, they may qualify for an existing exemption from the individual responsibility provision. So this is already taken care of under existing law.

What it is doing is continuing this effort to chip away, to undermine, to repeal. I hope that we get past this notion that we are going to continue to make the primary Republican alternative for health care just trying to attack something that is working; and if they would cooperate, if they would refine, if they would try and solve problems rather than creating new ones, we could make it work even better.

Mr. Speaker, I am voting against this piece of—I don't know what to call it. It is not going to be enacted into law. It shouldn't be enacted into law. It represents an empty exercise of stalling and attacking instead of refining and improving. The American people deserve better.

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

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

In closing, the case has been so carefully and fully laid out. This is another effort to cut and destroy. This is now maybe not the thousandth cut, but the 65th. Fortunately, none has succeeded, nor will this.

Republicans come here and indicate some care about individuals in terms of their health care. And I just say this personally—and all of us who care about health care have the same feelings—this country had a disgraceful situation: 50 million people going to sleep every night without any healthcare coverage.

□ 1615

Democrats took the initiative, and we now have the lowest percentage of

uninsured in terms of the records of this country. All we get are bills from the Republicans—one cut effort after another—and this is the latest. Maybe that is a good reason for us to leave here because, otherwise, we will see, I am sure, another one.

The ACA is very clear for people who lose their coverage during a coverage period. There is a special provision for them to obtain coverage elsewhere, and there is a hardship provision if that is not obtainable, if that is not available. We have been waiting to have specific examples. They never come.

As I said to the gentleman—and I say this respectfully—if he really cares about the citizens in his State and their health care, he will go back to his State and tell the leadership there that it is time to expand Medicaid for those people because, in the gentleman's State, there are tens of thousands of people who don't have that coverage today because of the inaction or the opposition of Republican majorities in States and in this Congress.

That is what this is all about. I urgently suggest for our fellow Democrats—and, I would hope, for a few enlightened Republicans—to vote ''no.''

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

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

We need a healthcare plan that involves patients and their providers. We need a healthcare plan and healthcare coverage—insurance, if you will—that is a product that is purchased by millions of Americans on its own merit, not because of the heavy hand of the Federal Government's imposing fines and penalties even upon those Americans who are doing everything they were supposed to be doing so as to be responsible citizens in taking care of themselves.

What is clear from the debate today, Mr. Speaker, is that, in the face of the failures of the ACA or ObamaCare, whichever label you might wish to attach to it—and there are certainly many failures of the plan—the administration and my colleagues across the aisle continue to advocate for the individual mandate at all costs, no matter how negatively this might impact a law-abiding individual who seeks to do the right thing.

Mr. Speaker, during the markup of this bill in committee, a supporter on the committee referred to the law as a ''work in progress.'' I would say that that is a generous description of the law. If it is truly a work in progress, why would we penalize Americans—through no fault of their own for losing coverage—with fines that run hundreds, if not thousands, of dollars?

We are persistently told that our only desire is to take away health insurance coverage from Americans and that we have no constructive ideas for improving the healthcare system. This bill is one small way to improve the healthcare system.

It is interesting that this bill has been characterized as an effort to undermine the ACA. Is that how weak the ACA is in that a small, narrowly crafted bill like this would undermine the entire thing? I doubt it. This is a small effort to help innocent Americans who have lost coverage through no fault of their own. We should not penalize them and create a financial hardship additionally for them than they have already been experiencing.

I urge all of my colleagues to join me in providing this small issue of fairness.

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

Mr. BRADY of Texas. Mr. Speaker, the news about the Affordable Care Act gets worse every day. Premiums are going through the roof, choice and access are falling through the floor, and insurers are fleeing exchanges throughout the country.

Just in the past few days, we learned that one of the nation's largest insurers is pulling out of Nebraska and three major cities in Tennessee.

On top of this, all but six of the 23 CO-OPs created under the law have failed despite billions of dollars in taxpayer-funded loans.

These CO-OPs were created by the Affordable Care Act as federally-backed, non-profit health insurance companies. But, like so many parts of the law, the CO-OP program was deeply flawed from the start.

Seventeen of these CO-OPs have collapsed. Hundreds of thousands of Americans have had their health coverage disrupted as a result.

Many more could suffer the same harm if additional CO-OPs fail—a real possibility considering that just two weeks ago New Jersey's CO-OP announced it will shut down at the end of the year.

The magnitude of these failures can be hard to grasp—especially for Washington bureaucrats who simply see these families as numbers on paper.

For American families who lost their insurance coverage due to a CO-OP collapse, the impacts could not be more real. And, for many, it could feel like the walls are closing in.

Their health plans have been terminated through no fault of their own.

The number of options for purchasing a new plan is shrinking as more insurers leave the ACA exchanges.

And, if these Americans fail to purchase new coverage, they could be forced to pay the individual mandate tax penalty.

That's just wrong.

We have a responsibility to protect Americans and their families from these harmful impacts of the Affordable Care Act.

Congressman ADRIAN SMITH's ''CO-OP Consumer Protection Act,'' provides the opportunity to do so right now.

The bill takes action to exempt Americans from the individual mandate tax penalty if their plan was terminated mid-year due to the failure of an ACA CO-OP.

Americans were led to believe these CO-OP plans were reliable. They depended on them, and now only six remain standing.

House Republicans have put forward a consensus plan to repeal and replace Obamacare. Our plan will bring patient-focused care to the American people.

And, our plan will bring relief to all Americans from the individual mandate and its tax penalty.

As we work to turn this proposal into legislation, it's only right to bring relief from this tax penalty to Americans who lost their insurance mid-year—or could lose it in the future—due to the failures of the CO-OP program.

I want to thank Congressman SMITH for his leadership on this important legislation, and I urge all my colleagues to join me in supporting its passage.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 893, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 165, not voting 8, as follows:

[Roll No. 563]

AYES—258

Abraham	Davis, Rodney	Holding
Aderholt	Denham	Hudson
Allen	Dent	Huelskamp
Amash	DeSantis	Huizenga (MI)
Amodei	DesJarlais	Hultgren
Ashford	Diaz-Balart	Hunter
Babin	Dold	Hurd (TX)
Barletta	Donovan	Hurt (VA)
Barr	Duckworth	Issa
Barton	Duffy	Jenkins (KS)
Benishek	Duncan (SC)	Jenkins (WV)
Bera	Duncan (TN)	Johnson (OH)
Bilirakis	Ellmers (NC)	Johnson, Sam
Bishop (MI)	Emmer (MN)	Jolly
Bishop (UT)	Farenthold	Jones
Black	Fincher	Jordan
Blackburn	Fitzpatrick	Joyce
Blum	Fleischmann	Katko
Bost	Fleming	Kelly (MS)
Boustany	Flores	Kelly (PA)
Brady (TX)	Forbes	King (IA)
Brat	Fortenberry	King (NY)
Bridenstine	Foxx	Kinzinger (IL)
Brooks (AL)	Franks (AZ)	Kline
Brooks (IN)	Frelinghuysen	Knight
Buchanan	Gabbard	Kuster
Buck	Garrett	Labrador
Bucshon	Gibbs	LaHood
Bustos	Gibson	LaMalfa
Byrne	Gohmert	Lamborn
Calvert	Goodlatte	Lance
Carter (GA)	Gosar	Larson (CT)
Carter (TX)	Gowdy	Latta
Chabot	Graham	Lipinski
Chaffetz	Granger	LoBiondo
Clawson (FL)	Graves (GA)	Long
Coffman	Graves (LA)	Loudermilk
Cole	Graves (MO)	Love
Collins (GA)	Griffith	Lucas
Collins (NY)	Grothman	Luetkemeyer
Comstock	Guinta	Lummis
Conaway	Guthrie	Lynch
Cook	Hanna	MacArthur
Cooper	Hardy	Maloney, Sean
Costello (PA)	Harper	Marchant
Cramer	Harris	Marino
Crawford	Hartzler	Massie
Crenshaw	Heck (NV)	McCarthy
Cuellar	Hensarling	McCaul
Culberson	Herrera Beutler	McClintock
Curbelo (FL)	Hice, Jody B.	McHenry
Davidson	Hill	McKinley

McMorris Rodgers	Reichert	Stewart
McSally	Renacci	Stivers
Meadows	Ribble	Stutzman
Meehan	Rice (SC)	Thompson (PA)
Messer	Rigell	Thornberry
Mica	Roby	Tiberi
Miller (FL)	Roe (TN)	Tipton
Miller (MI)	Rogers (AL)	Trott
Moolenaar	Rogers (KY)	Turner
Mooney (WV)	Rohrabacher	Upton
Mullin	Rokita	Valadao
Mulvaney	Rooney (FL)	Wagner
Murphy (PA)	Ros-Lehtinen	Walberg
Neugebauer	Roskam	Walden
Newhouse	Ross	Walker
Noem	Rothfus	Walorski
Nugent	Rouzer	Walters, Mimi
Nunes	Royce	Weber (TX)
Olson	Russell	Webster (FL)
Palazzo	Salmon	Wenstrup
Palmer	Sanford	Westerman
Paulsen	Scalise	Williams
Pearce	Schweikert	Wilson (SC)
Perry	Scott, Austin	Wittman
Peters	Sensenbrenner	Womack
Peterson	Sessions	Woodall
Pittenger	Shimkus	Yoder
Pitts	Shuster	Yoho
Poliquin	Simpson	Young (AK)
Pompeo	Sinema	Young (IA)
Posey	Smith (MO)	Young (IN)
Price, Tom	Smith (NE)	Zeldin
Ratcliffe	Smith (NJ)	Zinke
Reed	Smith (TX)	
	Stefanik	

NOES—165

Adams	Gallego	Norcross
Aguilar	Garamendi	O'Rourke
Bass	Grayson	Pallone
Beatty	Green, Al	Pascrell
Becerra	Green, Gene	Payne
Beyer	Grijalva	Pelosi
Bishop (GA)	Gutiérrez	Perlmutter
Blumenauer	Hahn	Pingree
Bonamici	Hastings	Pocan
Boyle, Brendan F.	Heck (WA)	Polis
	Higgins	Price (NC)
Brady (PA)	Himes	Quigley
Brown (FL)	Honda	Rangel
Brownley (CA)	Hoyer	Rice (NY)
Capps	Huffman	Richmond
Capuano	Israel	Roybal-Allard
Cárdenas	Jackson Lee	Ruiz
Carney	Jeffries	Ruppersberger
Carson (IN)	Johnson (GA)	Ryan (OH)
Cartwright	Johnson, E. B.	Sánchez, Linda T.
Castor (FL)	Kaptur	
Castro (TX)	Keating	Sarbanes
Chu, Judy	Kelly (IL)	Schakowsky
Cicilline	Kennedy	Schiff
Clark (MA)	Kildee	Schrader
Clarke (NY)	Kilmer	Scott (VA)
Clay	Kind	Scott, David
Cleaver	Langevin	Serrano
Clyburn	Larsen (WA)	Sewell (AL)
Cohen	Lawrence	Sherman
Connolly	Lee	Sires
Conyers	Levin	Slaughter
Costa	Lewis	Smith (WA)
Courtney	Lieu, Ted	Speier
Crowley	Loebsack	Swalwell (CA)
Cummings	Lofgren	Takano
Davis (CA)	Lowenthal	Thompson (CA)
Davis, Danny	Lowey	Thompson (MS)
DeFazio	Lujan Grisham (NM)	Titus
DeGette		Tonko
Delaney	Luján, Ben Ray (NM)	Torres
DeLauro		Tsongas
DelBene	Maloney, Carolyn	Van Hollen
DeSaulnier		Vargas
Deutch	Matsui	Veasey
Dingell	McCollum	Vela
Doggett	McDermott	Velázquez
Doyle, Michael F.	McGovern	Visclosky
	McNerney	Walz
Edwards	Meeks	Wasserman Schultz
Ellison	Meng	
Engel	Moore	Waters, Maxine
Eshoo	Moulton	Watson Coleman
Esty	Murphy (FL)	Welch
Farr	Nadler	Wilson (FL)
Foster	Napolitano	Yarmuth
Frankel (FL)	Neal	
Fudge	Nolan	

NOT VOTING—8

Burgess	Kirkpatrick	Sanchez, Loretta
Butterfield	Poe (TX)	Westmoreland
Hinojosa	Rush	

□ 1645

Messrs. CUELLAR, PETERS, and LYNCH changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT OF 2016

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 5303.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 892 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5303.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 1648

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 5303, the Water Resources Development Act of 2016. Subcommittee Chairman GIBBS and I worked closely with Ranking Members DEFAZIO and NAPOLITANO on this vital water infrastructure bill. Thanks to their hard work, the Committee on Transportation and Infrastructure unanimously approved H.R. 5303 in May.

We tailored WRDA 2016 to address specific Federal responsibilities, strengthening our infrastructure through the activities of the Army Corps of Engineers to maintain competitiveness, create jobs, and grow the economy. This legislation follows important reforms Congress put in place in 2014 with the Water Resources Reform and Development Act. Without those reforms, we wouldn't be here today to consider another WRDA bill.

The 2014 bill and today's legislation restore regular order and the 2-year cycle of Congress considering these essential bills. This has been one of my highest priorities as chairman, and I am pleased today that in this Congress, as in last Congress, we have a WRDA bill on the floor. WRDA 2016 maintains Congress' constitutional authority and oversight in ensuring that we have a safe, effective infrastructure system.

Following our authorization process reforms, every Corps activity in this bill is locally driven; reviewed by the Corps according to strict, congressionally established criteria; and presented to Congress for consideration in the form of chief's reports and the Corps' new annual report. Only proposals that followed this process were eligible for inclusion in this bill.

If the manager's amendment is adopted, WRDA will authorize 31 chief's reports and 29 feasibility studies. Each chief's report was reviewed by the committee in a public hearing. These are critical regional priorities that provide significant national economic and environmental benefits.

For example, WRDA authorizes the long-delayed upgrades to the Upper Ohio River's Emsworth, Dashields, and Montgomery, the EDM, locks and dams. The EDM facilities provide critical access to the Port of Pittsburgh, one of the Nation's busiest inland ports. This will provide enormous benefits to the region and make our entire Nation more competitive.

The same can be said for authorizations for the Port of Charleston, Port Everglades, which has been under review by the Corps for 18 years—and it is finally going to be approved—and the Everglades ecosystem, flood control along the Missouri River and around Sacramento, and more.

The bill also increases flexibility and removes barriers for State, local, and non-Federal interests to invest in their infrastructure. Factoring in the manager's amendment, WRDA will authorize over $9 billion to cover the Federal share of these improvements to our ports, channels, locks, dams, and other infrastructure. These investments are fully offset—I repeat they are fully offset—with deauthorizations, and the bill sunsets new authorizations to help prevent future project backlogs.

WRDA has no earmarks and abides by all House rules. However, in order to comply with House rules and call up this bill today, one section of the bill, as reported by the committee, was removed. I want to say that I agree with Ranking Member DEFAZIO that the user fees paid into the harbor maintenance trust fund should be used to improve our transportation system. It should be fundamental: When you pay a user fee into a system, it should go to its intended purposes.

However, we found ourselves in a position where section 108 conflicted with House rules. We worked to find another resolution to this one issue but were unable to do so within the rules of the House. I appreciate the ranking member's passion for this provision and thank him for his tireless efforts in support of infrastructure investment.

I want to continue working with him and others to find a solution as we work with the Senate. However, we cannot lose sight of the larger, more important issue. Don't let the perfect be the enemy of the good. This bill is not perfect, but it is a good bill.

Only three WRDA bills were enacted between 2000 and 2014, and that record is really unacceptable. Each delay placed America another step behind our competitors. We simply cannot afford more delays. We must pass this jobs and infrastructure bill and return to the regular 2-year WRDA cycle to keep the Army Corps focused on these much-needed investments. We cannot sacrifice these critical infrastructure improvements because of one issue.

We have a wide range of stakeholder interests in this bill, and 75 letters of support for WRDA 2016, including: National Association of Manufacturers, the U.S. Chamber of Commerce, National Retail Federation, National Conference of State Legislatures, and many other local and regional groups.

WRDA 2016 is good public policy. This bill advances critical water resources infrastructure improvements, restores regular order, and gets Congress back on that 2-year WRDA cycle. I urge my colleagues to support this bill.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 22, 2016.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 5303, the Water Resources Development Act of 2016. This bill contains provisions under the jurisdiction of the Committee on Natural Resources.

I recognize and appreciate your desire to bring this bill before the House of Representatives in an expeditious manner, and accordingly, I will agree that the Committee on Natural Resources be discharged from further consideration of the bill. I do so with the understanding that this action does not affect the jurisdiction of the Committee on Natural Resources, and that the Committee expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask that you support any such request.

I also ask that a copy of this letter and your response be included in the Congressional Record during consideration of H.R. 5303 bill on the House floor.

Thank you for your work on this Important issue, and I look forward to its enactment soon.

Sincerely,

ROB BISHOP,
Chairman,
Committee on Natural Resources.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2016.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN BISHOP: Thank you for your letter regarding H.R. 5303, the Water Resources Development Act of 2016. I appreciate your willingness to support expediting the consideration of this legislation on the House floor.

I acknowledge that by waiving consideration of this bill, the Committee on Natural Resources does not waive any future jurisdictional claim to provisions in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving any provision within this legislation on which the Committee on Natural Resources has a valid jurisdictional claim.

I will include our letters on H.R. 5303 in the bill report filed by the Committee on Transportation and Infrastructure, as well as in the Congressional Record during House floor consideration of the bill. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Natural Resources as the bill moves through the legislative process.

Sincerely,

BILL SHUSTER,
Chairman.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

The committee does have a great tradition of bipartisanship. It is hard to get partisan about our crumbling infrastructure and the needs for enhanced investment, but one of the keys toward enhancing the investment and dealing with the $68 billion—B, billion—backlog of authorized Corps projects—$68 billion—is to use a tax which is collected from shippers and passed on to the American people. Every day you buy a good from a foreign country, you are paying a little bit more for that under an agreement that the money collected will be used to maintain our harbors, our ports, keep them from silting in, and construct critical infrastructure.

Unfortunately, for years Congress has been diverting part of that money every year. Today there is a theoretical balance of over $9 billion in the nonexistent harbor maintenance trust fund. Look through the entire budget of the United States. You won't find that money anywhere on deposit. But they are saying: oh, don't worry, don't worry, we will get around to spending it some day.

I have been working on this issue for 20 years, starting with Bud Shuster in 1996. It was in the bill, and it passed out of committee unanimously with a number of Republicans and Democrats supporting it, obviously a majority of Republicans on the bill. The chairman and I had an agreement that would bring this bill forward under a suspension of the rules. His leadership objected to that. And then instead, they dictated there should be a rule so that they could strip out the harbor maintenance trust fund.

Now, what kind of rule is it that says we passed a law, we are collecting money from the American people, every day they are paying a little bit more for stuff, but the rules say we can't spend that money for its lawful purpose, we are going to spend it on some other part of government or disappear it into a lose-or-eat deficit reduction. We need that money. We need those investments.

If this continues—right now it is about $400 million a year that is being collected that isn't being spent, yet we have harbors shoaled in, we have jetties that are failing all across America—it will grow up to $20 billion in 10 years. Now tomorrow and tomorrow and tomorrow and tomorrow we are going to fix this problem. No, this was the time to fix it. It was in the bill. It was bipartisan. It was unanimous, and it was stripped out. That is very, very unfortunate.

There are many good things in this bill. There are many projects that are essential. But, again, the Corps of Engineers has a $68 billion backlog. So all we are doing is putting people in an endless line—$68 billion backlog. We are collecting about $1.6 billion a year to make those projects a reality except that $400-, $500 million of it is being diverted over into other parts of the government. That is not a good way to run the government like a business.

I have a letter from the Chamber of Commerce of the United States of America concerned that this money is revenue from American business that is not being used for its intended purpose in a timely manner, and they will continue to advocate for this provision, among others. I am very, very saddened that this was removed from the bill. It is not in the Senate bill, so it becomes nonconferenceable, which means it will be at least 2 years. That is another $800 million or $1 billion that won't be spent, but taxes will still be collected from the American people.

Secondly, we have made a big deal around here about not having any earmarks. Big deal. Well, there are some ancient earmarks out there still lingering in the darkness. One was for a $220 million project which was earmarked in 2004 by the Committee on Appropriations, and that would have required the Federal Government to spend $110 million. This bill authorizes that project at a price of $526.5 million to the U.S. taxpayers. It has gone from $220 million earmarked, $110 million to the Feds, to a total project cost of $800 million.

Now, associated with that—and I am being told: don't worry, this isn't Federal money. Well, whenever you enter into a project, you have to have a local cost share. And they are saying: well, it will only be local money. Except it is included in the project, meaning the local entity isn't meeting its cost share for the authorized project which is in this bill. In fact, they are diverting money locally from their cost share into recreation projects.

Now, we have harbors silting in and jetties that are falling apart all across the country. We are diverting money from the trust fund, and yet somehow we are going to find $500 million for this project up from a price tag of $110 million when it was first earmarked. It isn't earmarked by any other name except that it is covered by the rule, and it is in this bill.

I regret that this bill does not meet the high standards of the committee and the historical standards of the committee.

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

□ 1700

Mr. SHUSTER. Mr. Chair, I yield 2 minutes to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. Mr. Chair, I thank the distinguished chairman from Pennsylvania for yielding me the time and for his continued leadership on restoring the normal biennial cycle for the Water Resource Development Act.

Today I rise in strong support of H.R. 5303, the Water Resources Development Act of 2016. By considering WRDA 2016 today, we are returning to regular order and restoring the 2-year cycle for improving water infrastructure projects critical to our economy.

Transportation and infrastructure is one of Congress' most important responsibilities. This bill authorizes the construction of key water infrastructure projects throughout the United States, creating jobs here at home and directly contributing to our economic and national security.

As chairman of the Subcommittee on Water Resources and Environment, our jurisdiction includes these water infrastructure projects carried out by the U.S. Army Corps of Engineers. H.R. 5303 contains vitally important Corps project authorizations for navigation, flood control, shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration and enhancement, and fish and wildlife management.

Each project authorization was proposed by local non-Federal sponsors and underwent a rigorous planning process before congressional review. Each Chief's Report was recommended to Congress by the Corps' Chief of Engineers. In short, this was a bottom-up, grassroots-driven process.

In WRRDA 2014, we accelerated the delivery schedule for Corps of Engineers projects. H.R. 5303 strengthens the numerous reforms made in WRRDA 2014 by streamlining permitting for infrastructure projects.

The committee-passed version of H.R. 5303 contains 27 specific project authorizations. My subcommittee held hearings to discuss the Chief's Reports in depth and provide strong congressional oversight of the proposed projects.

This bill further expedites nine feasibility studies to help locally developed needs and contains study authorizations for future potential Corps projects. More often than not, projects are delayed by study after study, and sometimes literally studied to death. Because of the reforms in WRRDA 2014, the 29 feasibility studies this bill is authorizing are not intended to exceed 3 years in duration or exceed $3 million in Federal costs. We have reformed the process to save taxpayers time and money.

The CHAIR. The time of the gentleman has expired.

Mr. SHUSTER. Mr. Chair, I yield an additional 10 seconds to the gentleman from Ohio.

Mr. GIBBS. Mr. Chair, this bill is fiscally responsible. The new project authorizations are fully offset by de-authorizations of projects that are outdated or no longer viable. H.R. 5303 contains no earmarks, strengthens our water transportation networks, and increases transparency for non-Federal sponsors and the public. This is a good, commonsense bill, and I urge support of this bill.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO), the ranking member of the subcommittee of jurisdiction.

Mrs. NAPOLITANO. Mr. Chair, I am very concerned that, after many months of bipartisan work on this bill, we are bringing it to the floor today under a partisan procedure where it stripped out in rules a very important section. Also, it does not address the ongoing crisis in Flint.

We have 100,000 people in Flint living without clean drinking water. One million people in California live without clean drinking water. We should be doing much more to address the drinking water crisis in this country—we should not have problems with it—and investing in our outdated infrastructure. I am glad that the Senate does include provisions to address this crisis. I had hoped that the House would do so as well.

I do appreciate the work that has been done to add many important provisions to the bill. First, this bill includes 31 Army Corps of Engineers' feasibility studies for projects to study water resource projects across the country for a diverse array of purposes, including flood damage reduction, ecosystem restoration, hurricane and storm damage reduction, and navigation. This is really important, especially in drought-prone areas like California.

Second, H.R. 5303 authorizes 29 Chief's Reports currently pending before Congress. These reports include several of great importance to my home State of California, including the Los Angeles River Ecosystem Restoration and Recreation project, the West Sacramento flood risk management project, the American River Common Features flood risk management project, and the San Diego County hurricane and storm damage risk reduction project. This is critical because storms are eroding our beaches.

I am also pleased to see the inclusion of several provisions that will assist communities experiencing drought and water supply shortages. They include:

Promoting non-Federal efforts to remove sediment behind Army Corps' dams and increase water supply. This has been one project that we have been pushing for a long time in order to get the Corps to reduce that sediment.

Also, authorizing the Secretary of the Army to evaluate and implement water supply conservation measures of projects owned or managed by the Corps in states with drought emergencies. In 17 Western States, this is critical.

Further, encouraging the Corps to share the data the Corps collects on operations and maintenance of its facilities and to improve coordination with local stakeholders. My understanding is that they are going to get the Library of Congress to do that.

Also, allowing environmental infrastructure and water supply projects to be eligible for the 7001 process that authorizes Corps projects.

Lastly, creating a pilot program to encourage the beneficial use of dredged material for shoreline restoration and environmental use.

I am very confident these provisions, if enacted, will provide drought-ridden regions like mine with the tools necessary to increase water supply and water conservation matters and be better prepared for future storm events.

The CHAIR. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Chair, I yield an additional 15 seconds to the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chair, I want to thank my constituent water agencies for their input through the process, including the Upper San Gabriel Valley Municipal Water District, the Three Valleys Municipal Water District, the San Gabriel Valley Municipal Water District, the San Gabriel Valley Watermaster, the Los Angeles County Department of Public Works, and my local Corps people, Colonel Gibbs and David Van Dorpe.

I ask for a ''no'' vote since the Flint provision was not included in this bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN), the vice chairman of the full committee.

Mr. DUNCAN of Tennessee. Mr. Chair, I thank the chairman for yielding.

I, first of all, want to commend Chairman SHUSTER and Chairman GIBBS for their outstanding leadership on this legislation.

I rise in support of this jobs and infrastructure legislation. It will help create thousands of jobs and help improve our infrastructure.

I have the privilege of serving as the Republican chair of the Clean Water Caucus in this Congress and I had the privilege of serving for 6 years as chairman of the Water Resources and Environment Subcommittee, starting in

2001. So I know full well how important this bill is.

This bill provides the authorizations needed to improve water transportation all across this Nation. Every day, many tons of goods are transported across our waterways. Without basic water infrastructure in good shape, most of these goods would be transported on our already congested highways. According to the Inland Waterways Foundation, a 15-barge tow can transport the same amount of goods as 1,050 tractor-trailers. Moving goods on the water is also the most fuel-efficient and environmentally sound method of transportation.

This bill is, as others have said, a fiscally responsible one. It de-authorizes $10 billion worth of inactive projects that are no longer needed or feasible, which offsets the new authorizations made in this legislation.

This bill also authorizes important flood control projects that we need to help prevent natural disasters. We saw what can happen when Katrina hit Louisiana and Mississippi a few years ago. That disaster caused an estimated $150 billion in damage. Now we have new flooding in Louisiana and Texas. We need to make smart investments today so that we are not foolishly spending billions of dollars after a disaster strikes.

I also want to thank Chairman SHUSTER for including language on floating homes that was requested by Representative MEADOWS and myself. I want to especially commend Representative MEADOWS, who led the way on this issue. The TVA board had voted to remove privately owned homes, or floating houses, from its reservoirs. This would have been essentially a taking without any compensation being offered to the homeowners.

The language in this bill mirrors that included in the Senate-passed bill that would allow these homeowners to keep their houses as long as certain safety and health standards are met.

I urge passage of this very, very important legislation.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I have worked closely with the gentleman from Tennessee, and he does great work. In fact, he did great work in chairing a special committee of the House Committee on Transportation and Infrastructure on improving the Nation's freight transportation system.

One of the key recommendations in that report was: draw down the $7 billion balance of the harbor maintenance trust fund without adversely affecting appropriations for other programs, projects, and activities carried out by the Corps of Engineers for other authorized purposes.

Well, it is a little dated because this is 2 years ago. So now there is $9.8 billion in the so-called harbor maintenance trust fund, which doesn't exist. There is no line item, no account at the Treasury. The money is poof, gone, unless we authorize the establishment of a trust fund and begin to better invest in our harbors.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 5303, the Water Resource Development Act.

WRDA is usually a vehicle for bipartisan cooperation, but, unfortunately, that is not the case this year. This is the only time in my 23 years in Congress that I am unable to support WRDA.

In my area in Houston, we need WRDA. We need flood assistance. But my particular issue with this is that I represent a large part of the Port of Houston. As one of many Members that represents a major port, I know firsthand that ports are enormous economic engines for growth. The jobs and economic growth, including refining and manufacturing on the banks of the Houston Ship Channel, supported by the Port of Houston, has allowed Houston and Harris County to become the energy capital of the world.

But this is about more than just the Port of Houston. This is about all of America's ports, from LA-Long Beach to Miami and New Orleans. This is $3 trillion in shipments in these ports.

The harbor maintenance tax is meant to fund critical projects to keep our ports running at full capacity. Yet, only a fraction of that money is appropriated each year, leaving billions of dollars sitting unused while maintenance costs climb in the Port of Houston and around the country.

Every day, ships are forced to idly wait for high tides or deeper channels because we do not put enough of this money to work for them. We need to ensure that we are investing for the future by investing in vital infrastructure projects.

I urge my colleagues to join me in opposing this legislation until the bipartisan harbor maintenance trust fund provision is included.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), the former chairman of the full committee.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, first, I would like to thank Mr. SHUSTER, Mr. GIBBS, and Mr. DEFAZIO for their work on this bill. This bill is a good bill.

I just say to all of you: We are getting close to the end of this session—and a lameduck, too. This isn't perfect for everyone. It is not perfect for me in some cases, but let's get a piece of legislation done without nitpicking it and saying: Well, I didn't get what I wanted.

I don't disagree with Mr. DEFAZIO about the funding. That is something we have to work on with the appropriators. They don't like the idea there is a set-aside fund for repairing the harbors, but let's address that battle at a later date.

This is a good piece of legislation. It will create a better system of infrastructure for water, harbors, ports, and drinking water, too. It is a legislative package that has been put together with a lot of hard work with staff.

As we get in this battle, Well, I don't want it, it is a Democrat bill, it is a Republican bill, we ought to think this is a House bill, a bill that can do the job. It will come out of this House, it will go over to the Senate, and we will have a conference. We have another chance to finish this project for the people of America.

So I am asking us not to get into this little bit of nitpicking and get good piece of legislation such as this done.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Chairman, I rise today in strong support of the Water Resources Development Act containing the Central Everglades Planning Project that is of critical importance to the ecological health of the State of Florida.

This project will increase freshwater flows from Lake Okeechobee through the Everglades and down into Florida Bay, providing critical relief to our water reservoirs and to a stressed ecosystem in Florida Bay.

□ 1715

The health of Florida Bay, Mr. Chairman, is a moral issue, and it is also vital to south Florida's multibillion-dollar tourism industry, making Everglades restoration an important local issue as well as a major national priority. Long-term restoration will be achieved primarily by constructing projects for conveyance, treatment, and storage of water and, ultimately, restoration of freshwater flow from north to south. CEPP contributes to all of these goals.

I want to thank Chairman SHUSTER for working with me to include $1.9 billion for the Everglades Restoration program in the Water Resources Development Act being considered today. This comprehensive bill provides the U.S. Army Corps of Engineers with authority to carry out water projects through cost-sharing partnerships with non-Federal sponsors. I am proud that, through bipartisan efforts, we were able to include this much-needed funding for Everglades restoration, and I look forward to getting this bill signed into law.

Mr. DEFAZIO. Mr. Chairman, could I ask how much time remains on both sides.

The CHAIR. The gentleman from Oregon has 18½ minutes remaining. The gentleman from Pennsylvania has 19¼ minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I am waiting for more speakers, so I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RODNEY DAVIS), a member of the committee.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I rise in support of this bill. I am very proud to be here today because this bill represents a commitment our committee has made under the leadership of Chairman SHUSTER to pass critical water resources legislation every 2 years.

One of my top priorities as a member of this committee and the Water Resources and Environment Subcommittee is maintaining and improving our navigation infrastructure on the upper Mississippi and Illinois waterways. Most of the locks and dams on this system were built in the 1920s and 1930s and have far outlived their life expectancy.

Sixty percent of the grain exported from the United States goes through these locks and dams before hitting the global marketplace. But today, delays at navigation locks are frequent and are only getting worse, lasting as long as 12 hours at a time.

In WRDA 2007, Congress authorized construction of seven new 1,200-foot locks along the upper Mississippi and Illinois waterway system; yet here we are, 9 years later, and the Corps still hasn't completed preconstruction engineering and design for these projects because this administration refuses to invest any money in the Navigation and Ecosystem Sustainability Program, or NESP. That means that construction for these projects may not be ready to begin when they are next on the schedule.

When these projects are delayed, it costs farmers in my district money; it costs the shippers who move commodities up and down the rivers money; and it ultimately means increased grocery prices for everyone. It also costs good-paying construction jobs.

During our committee's markup of this legislation in May, I offered an amendment that requires a study analyzing alternative models of managing the inland waterway trust fund. I appreciate Chairman SHUSTER working with me to ensure its adoption.

This study, to be completed by the Comptroller General, will provide some important options to address these longstanding issues with the Corps. Maybe this will finally show the Corps that waiting 10 or even 20 years for movement on a project that is authorized by Congress is completely unacceptable.

Mr. Chairman, I am proud to support this underlying bill, and I want to thank Chairman SHUSTER and the committee for their leadership on this.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

The last few speakers have made a great point—how critical this bill is—and they have listed projects that are important to their districts and the Nation. The gentleman from Alaska said we shouldn't quibble over details.

Well, the bottom line is we have assessed a tax on all imported goods. That tax is collected every day. It is essentially a sales tax. It is added into the price of the goods that Americans buy. That tax comes in at about $1.6 billion a year; and yet Congress sees fit to spend somewhere around $1.1 billion a year, even though the Corps of Engineers has a $64 billion backlog. So I guess, at some point, 100 years from now—well, no, because things will keep deteriorating. I guess we will never catch up.

So taking out the creation of the harbor maintenance trust fund, something I have been working on for 20 years—started with the previous chairman, Bud Shuster, and now BILL SHUSTER supports the concept—we keep hearing tomorrow and tomorrow and tomorrow. Tomorrow came. It came out of committee. But because some appropriators and the chair of the Budget Committee object to using the taxes collected from the American people for the only lawfully intended purpose and, instead, disappearing it into the maw of the Federal Government, it got stripped out of the bill—very, very unfortunate. That means these critical projects you are talking about are going to the back of a very, very, very long line. $64 billion today, pass the bill, another $10 billion, $74 billion tomorrow; and we will chip away at it, and very, very slowly if we continue to divert the trust funds.

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

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. ROUZER).

Mr. ROUZER. Mr. Chairman, we have an opportunity to do a great service for the country by passing H.R. 5303, the Water Resources Development Act of 2016, otherwise known as WRDA. By building off reforms made in the 2014 bill, WRDA 2016 reasserts congressional authority and oversight on critical infrastructure issues.

I commend Chairman SHUSTER for his commitment to passing a WRDA bill each Congress. It helps to ensure that America's water infrastructure needs are continually addressed and reaffirms the will of the people on these very important infrastructure matters.

Substantively, this legislation addresses the needs of America's harbors, locks, dams, coastlines, and other water resource infrastructure projects by authorizing U.S. Army Corps of Engineers activities. Passage of WRDA is vital to our Nation's economy and will help ensure continued flow of commerce through our Nation's ports and channels. Moreover, this bill also includes preventative measures that will help serve and protect our infrastructure.

Along with these obvious benefits, WRDA 2016 is also fiscally responsible and fully offset. In fact, failing to pass this critical piece of legislation will cost the Treasury that much more.

Mr. Chairman, the time to pass this bill is now, and I urge my colleagues to support this very important legislation.

Mr. DEFAZIO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the fine ranking member, Mr. DEFAZIO, for yielding time, and I rise to discuss the important role of the Great Lakes-Saint Lawrence Seaway as our Nation's freshwater superhighway, a vital economic and security passageway for our Nation.

When the WRDA bill was considered by the Senate, an important reference was included in that bill recognizing the role of the Seaway in U.S.-Canadian maritime trade, as well as global commerce from the heartland. That language authorizes a GAO study of the Seaway's potential to expand economic activity envisioning increased exports, expanded tourism, and a modernized transportation network in a secure operational system.

As the bill moves forward, I would urge the House to incorporate, in any final measure, the directive provisions relating to the Saint Lawrence Seaway's unmet economic potential.

I thank my colleagues on the Great Lakes Task Force, particularly Co-chair MIKE KELLY, who was down here earlier, and DAVID JOYCE for their continued hard work and commitment to our region of the country. I thank Ranking Member DEFAZIO for his support of this effort. And I thank Chairman SHUSTER for his leadership.

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman and the other advocates for this provision, in addition to, of course, the Senate. The gentlewoman has worked tirelessly on this issue, approached me many, many times about the fact that we have sort of neglected the potential of the Seaway.

I think that this provision would be extraordinarily meritorious, and I certainly intend to support it in conference and hope to garner support from the chairman and others so that it can stay in the bill as it finally goes to the President's desk.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES), one of the hardest working members on the committee.

Mr. GRAVES of Louisiana. Mr. Chairman, I want to thank Chairman SHUSTER, Ranking Member DEFAZIO, and so many of the other Members who worked on this bill. I think it is important that we get the Water Resources Development Act back on a 2-year cycle. We got off to where there were 7 years that passed on, in many cases, critical projects that needed authorization that needed to move forward to construction.

I also want to echo a couple of things that the ranking member said.

Number one, on the harbor maintenance trust fund, I couldn't agree more. We need to come up with a solution here. I think it is disingenuous

that we are charging users the tax under the auspices of using it for dredging, yet diverting those resources. I will say it again. I think it is disingenuous, and I look forward to working together with Congressman DEFAZIO in addressing this.

Number two, my friend from Oregon also noted the backlog in Corps of Engineers projects. The reason we have a backlog in projects is because this project delivery mechanism, development and delivery mechanism used by the U.S. Army Corps of Engineers, you can look at it, project after project; it takes 40 years to get a project delivered. These are projects for flood protection, for ecological restoration, for hurricane protection. We don't have time to wait 40 years for this project, and this bill moves in a direction of streamlining that process.

We have a project, the West Shore project, that has been in the study phase for over 40 years and is finally moving to authorization.

My friend from Louisiana, Congressman BOUSTANY, was able to work to get the Southwest project included in here to finally begin to bring some protection to the Southwest communities that were so devastated by Hurricane Rita and Hurricane Ike in previous years.

Importantly, Mr. Chairman, we are bringing forward an amendment to further expedite the Comite project, Amite project, and other projects that are critical to the areas that were just flooded in south Louisiana.

I don't know how long we are going to continue this backwards policy in the Federal Government of spending billions after a disaster rather than spending millions before, making our communities and making our ecosystems more resilient.

Again, I want to thank the chairman and ranking member.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Back to the harbor maintenance trust fund issues and the allocations to the Corps, the bill sets targets, which I fully agree with, that a higher percentage of the harbor maintenance tax should be allocated every year to O&M programs.

As I mentioned earlier, there is already a $2.5 billion backlog for operations and maintenance, so we are dealing with that by mandating that a higher percentage be spent every year. Unfortunately, if we don't free up the harbor maintenance trust fund, there is only one place that money can come from: new construction.

So I am all for the O&M, and I am all for these increases. But by stripping the harbor maintenance trust fund provision out of the bill and continuing to divert $400 to $500 million a year of the tax to the maw of the Federal Government, they are creating an untenable position for the Corps.

They are already saddled with a $64 billion backlog on construction. They are saddled with a $2.5 billion backlog on operations and maintenance. We are telling them you have to spend more on operations and maintenance. Well, with the discretionary budget caps, that can come out of only one place, and that is the construction projects. Whether it is going to come out of Port Everglades or Charleston Harbor or Brazos Island Harbor, I don't know; but the Corps is going to have to make those decisions because they aren't going to be getting these additional funds that they would have gotten had we freed up this money and created a real trust fund.

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

Mr. SHUSTER. Mr. Chairman, may I inquire as to how much time both sides have left in debate.

The CHAIR. The gentleman from Pennsylvania has 14 minutes remaining. The gentleman from Oregon has 13½ minutes remaining.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I rise today in strong support of the water infrastructure bill, and I thank Chairman SHUSTER for his hard work and dedication in getting us to this point.

As part of our Better Way agenda, House Republicans are putting transparency and accountability front and center, especially when it comes to how we spend the taxpayers' dollars.

Chairman SHUSTER approached this legislation the same way, increasing congressional oversight and transparency to ensure that our tax dollars are invested in the most pressing projects.

I also applaud Chairman SHUSTER's dedication for ensuring that the long-delayed Upper Ohio Navigation project gets underway.

In the 21st century, we should have a state-of-the-art infrastructure to build a thriving 21st century economy; yet the Emsworth, Dashields, and Montgomery locks and dams along the upper Ohio River are aging and in serious disrepair.

I often like to say that western Pennsylvania built this country. This would not have been possible without the infrastructure that turned our rivers into highways of commerce.

□ 1730

This allowed Pennsylvania steel, machinery, petroleum projects, and agricultural goods to travel to market efficiently and affordably along the Ohio River and beyond. Completing much-needed renovations to the upper Ohio locks and dams will allow us to continue to generate billions of dollars in economic activity benefiting generations of western Pennsylvania families, workers, and businesses in our region and across the country.

Mr. Chairman, I encourage my colleagues to support this bipartisan legislation. I again commend Chairman SHUSTER and thank him for his great work on this legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, let me thank the gentleman, the ranking member from the great State of Oregon, and the chairman, the gentleman from Pennsylvania.

I would hope that as we look at these issues we really look at the name of this bill, the Water Resources Development Act of 2016, and know that we have, over the years, had common ground on infrastructure issues that are so important to our respective communities.

Mr. Chairman, in April of 2016, we had the tax day flood. Shortly thereafter, we had a flood on Memorial Day in Houston, Harris County. It seems to me to be a constant refrain in our community and in my congressional district. We are a community of bayous and, frankly, need strong structures for the Army Corps of Engineers and a strong Federal partnership on dealing with massive flooding and the loss of life.

Water takes on many other aspects. Just a few miles up the road, Austin, Texas, and the surrounding areas are living in a constant drought. They face a constant interaction and conflict with those who are in the agriculture business.

It is concerning to me that programs in this bill have been deauthorized. It is concerning to me that a very important issue of pure water has been ignored, and that is funding for Flint. I should think this would be a bipartisan issue. Many of us went to Flint. We spoke to citizens in Flint. We listened to the Representatives from Flint, in particular, DAN KILDEE and others, Congresswoman LAWRENCE, and we listened to stories about sores and the ability to have children who have cognitive impact, and yet we come here today and that has not been done.

So I want to raise a concern to find a way in which this can be a bipartisan bill and not have projects that are deauthorized to make sure the harbor maintenance trust fund is where it needs to be.

The CHAIR. The time of the gentlewoman has expired.

Mr. DEFAZIO. Mr. Chairman, I yield an additional 30 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the gentleman.

Mr. Chairman, we need to make sure that the harbor maintenance trust fund ensures that revenues are collected from shippers that are used to maintain U.S. coastal and Great Lakes harbors.

Right now, the State of Texas is dealing with their coastal area. This very bill could have a great impact, but it cannot do so if the moneys are undermined and the fees are used for something else. So I would suggest to my colleagues if there is one place that we can be bipartisan, it is on clean water, and it is on saving lives. I hope that we

can do that going down the road in this legislation. I thank the gentleman, Mr. DEFAZIO.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I rise today in support of the Water Resources Development Act of 2016. I want to thank Chairman SHUSTER for bringing this bill to the floor.

The bill will authorize critically important projects for my home State of Louisiana, including the Southwest Coastal Study.

Over this past weekend, we remembered the 11th anniversary of Hurricane Rita making landfall. This storm, and subsequently Hurricane Ike, demonstrated the dire need to implement greater measures to protect our coastal communities, many of which were destroyed back then.

Congressional authorization of the Southwest Coastal Study will open the door for necessary hurricane and storm damage risk reduction and coastal restoration projects for southwest Louisiana for the first time.

Authorization language for this project was included in the manager's amendment, and I want to thank Chairman SHUSTER for doing so.

Additionally, the bill includes vital funding for the Calcasieu Lock project, which is the 10th busiest lock in the Nation, a vital feature of the Gulf Intracoastal Waterway system. The lock facilitates navigation, controls flooding, and prevents saltwater intrusion from the Calcasieu River into the Mermentau River basin, a major agricultural area.

The bill also includes construction authorization for the West Shore Lake Pontchartrain project, which will provide critical storm surge protection for Louisiana's river parishes, something that has been in the works for over 40 years; and additionally, the Comite diversion project, which would have prevented a lot of the flooding we just saw in Louisiana.

These and other reasons are really why we should support this very important legislation, and I urge final passage.

To my friend from Oregon, I would say this: I have worked extremely hard since I got here to fix the problem with the harbor maintenance trust fund. We have made significant strides with last year's water bill and the cooperation of our friends on the appropriations committee to up the level of funding. But I agree that we should have included this language, and I am committed to working in a bipartisan fashion to ensure that we take those fees that are collected specifically for operations and maintenance dredging and use them for that, period.

We will have more work to do there, but I urge adoption of this bill, and I thank the chairman for his bringing it forward.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was mentioned earlier, and it will be mentioned again later, that there is no funding for Flint in this bill. Now, the simple answer would be, well, that is not jurisdictional, it is Energy and Commerce Committee. The Senate, by a near unanimous vote, put funding to help Flint and other cities which have serious health problems with their water systems with a partnership with the Federal Government like we used to do.

Historically, in these bills, the committee has included water infrastructure projects. But during the committee consideration, EDDIE BERNICE JOHNSON from Texas attempted to put in language that would help with Flint, and it was ruled to not be germane to the bill, although historically this is under section 219, Corps has authorization for projects such as this. DONNA EDWARDS from Maryland brought forward an amendment again on clean water.

The crisis in Flint is beyond belief. But there are many, many other systems around the country that are far from meeting Federal water quality standards, and many of these are communities that lack the resources themselves to deal with it. The Federal Government used to partner significantly on water and wastewater projects. The Federal Government has pretty much walked away from that responsibility.

There is an amendment right now, right up there, over there in the powerful Rules Committee. The Rules Committee is meeting. It is a committee that enforces the rules or waives the rules, whatever they are in the mood to do. They could allow an amendment to this bill. They could be debating it right now that would provide some assistance to Flint and other communities.

The gentleman from Michigan (Mr. KILDEE) has offered an amendment that is fully offset so it doesn't increase the budget deficit, and we will see how that comes out. But many on this side are reluctant to move forward.

Last week, I was pleased to hear Speaker RYAN say that Flint should be taken care of in the Water Resources Development bill. The majority leader has said the same thing. The question is: Will they do that in the bill coming out of the House so that we don't have to be wondering whether or not it is going to come out of a conference committee?

So that is yet to be seen. But I think a lot of votes on this side, in addition to the concerns I have raised earlier, are pending upon the resolution of whether or not funding for Flint is included in this bill.

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

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise in strong support of H.R. 5303, the Water Resources Development Act. I commend Chairman SHUSTER for his work as Transportation and Infrastructure chairman.

As a former mayor, I can personally attest to how vital investing in and maintaining our water infrastructure and flood control is. Over the past year, we have seen devastating floods throughout our country. It is more important than ever that we authorize critical flood control projects to protect our communities. Chairman SHUSTER's bill builds on the reforms established in the Water Resources bill 2 years ago.

I represent Fort Worth, Texas, a city that has had devastating floods in its past. Fort Worth needs help to bring our river area up to standards to prevent flooding and prepare for development. We are asking for funding authorization from the Corps of Engineers. The Corps has been working on this project along with the city and the water district for over 5 years.

In this project, the city will have the opportunity to add amenities for recreation paid for by the city, the water district, and private developers. By law, the Corps of Engineers cannot pay for amenities like basketball or soccer fields or water parks. Therefore, of course, they have never been asked to. It is against the law for them to pay for it. I repeat: it is against the law. The cooperation from the city, private developers, and the water district will pay for those.

I thank the chairman for his time, and I appreciate his work.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the advocacy of the gentlewoman. She has been incredibly persistent since she earmarked this project back in 2004 before the Republicans banned earmarks. Of course, then it was a $220 million project. Now it is an $810 million project. The Federal share has gone from $110 million to over $500 million, and included in the total cost are the basketball courts, the splash pool, and all that, but it is coming out of the local share. No, that is not the way this is supposed to work.

If this is a Corps project, the only things which the Corps is authorized to do would be in the calculated total cost, and then a percentage of that goes to the local jurisdiction. In this case, they are counting the contributions of the local developers as part of the local cost share. So, essentially, it is coming out of the taxpayers' pockets.

I include in the RECORD a letter from the Taxpayers for Common Sense and the National Taxpayers Union.

SEPTEMBER 27, 2016.

DEAR REPRESENTATIVE: While less expensive and problematic than the Senate version of the Water Resources Development Act (S. 2848), we urge you to oppose H.R. 5303, the ''Water Resources Development Act of 2016.'' Instead of much needed reform, this legislation piles billions of dollars in additional water projects on the U.S. Army Corps of Engineers' plate. The legislation also makes

policy changes that will be costly to taxpayers.

The largest challenge facing the Corps of Engineers water resources program is the lack of a prioritization system for allocating the limited available tax dollars. The legislation directs the executive branch to better explain its budgeting decisions, but this should not serve as an abdication of congressional authority. Congress should develop the criteria and metrics to prioritize Corps projects in the three primary mission areas (navigation, flood/storm damage reduction, and environmental restoration). The executive branch should be required to allocate funds in the budget request in a transparent manner through merit, competitive, or formula systems developed by Congress. Lawmakers could then conduct oversight, hold the administration accountable, and adjust the systems, criteria, and metrics as needed.

H.R. 5303 fails to include such a prioritization system. It does many other things, however. Between committee consideration and the floor, the bill grew by over $6 billion. A provision from the Water Resources Reform and Development Act of 2014 dedicating maintenance dredging funds to emerging ports is made permanent. It doesn't make sense to invest in a port that is continually ''emerging.'' It also extends setasides for ''donor'' and ''energy'' ports without reforming the massive cross-subsidies in the existing maintenance dredging program. The legislation authorizes funding for a project in Fort Worth, Texas, costing more than $800 million. The Upper Trinity River project is portrayed as a flood damage reduction effort, but is really a massive economic development initiative that would divert precious Corps resources to construct soccer and baseball fields, basketball courts, and even a splash park. Money spent on a splash park in Fort Worth is money that cannot be spent to further the Corps' core mission areas. At the least we urge you to remove or limit the funds for this project.

Again, we urge you to oppose H.R. 5303 the ''Water Resources Development Act of 2016.''

Sincerely,

RYAN ALEXANDER,
Taxpayers for Common Sense.
PETE SEPP,
National Taxpayers Union.

Mr. DEFAZIO. Mr. Chairman, I will just read briefly: ''The legislation authorizes funding for a project in Fort Worth, Texas, costing more than $800 million. The Upper Trinity River project is portrayed as a flood damage reduction effort, but is really a massive economic development initiative that would divert precious Corps resources to construct soccer and baseball fields, basketball courts, and even a splash park. Money spent on a splash park in Fort Worth is money that cannot be spent to further the Corps' core mission areas. At the least, we urge you to remove or limit the funds for this project.''

That is from Taxpayers for Common Sense and the National Taxpayers Union.

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

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Chairman, I rise today in strong support of the Water Resources Development Act of 2016.

I thank Chairman SHUSTER for his championing this legislation and for including authorization language for the Rahway River Basin Flood Risk Management Feasibility Study in the bill.

The Rahway River Basin Flood Risk Management Feasibility Study will create a lasting solution to protect the New Jersey municipalities that include Cranford, Kenilworth, Maplewood, Millburn, Rahway, Springfield, Union, and the surrounding areas from severe flooding.

For years, these municipalities have pursued this project based on its great merits, and I have tried to be their champion at the Federal level. This is a critical role for Federal representatives: effectively helping municipal, county, and State officials to work with the Federal Government to ensure efficient services to the areas we represent.

Throughout this entire process, local leaders have kept the focus on consensus and collaboration, and they have united around a solution that has strong public support. They deserve the completion of the study and the implementation of a plan that will protect life and property. I thank the Mayors' Council and local leaders for continuing to advocate on behalf of their communities. I certainly reiterate my thanks to Chairman SHUSTER.

Mr. Chairman, I urge support of the Water Resources Development Act of 2016.

Mr. DEFAZIO. Mr. Chairman, I have no further speakers, and I am prepared to close.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, first, I want to applaud Chairman SHUSTER and the members of the Transportation and Infrastructure Committee for bringing the Water Resources Development Act of 2016 to the floor.

WRDA is a crucial piece of legislation which authorizes our Nation's locks, dams, harbors, and many other water resources vital to our Nation's economic competitiveness.

However, today, I rise to speak of an issue that is very close to home. The Army Corps of Engineers' New Savannah Bluff Lock and Dam is only 13 miles south of my hometown of Augusta, Georgia, and is essential to the towns of Augusta and North Augusta, South Carolina.

Authorization for the lock and dam has been changed numerous times over the past few decades, and the Senate version of WRDA includes broad language for additional needed changes. I understand the complexities of changing authorizations or even deauthorizing projects on a river as vital as the Savannah River.

□ 1745

Mr. Chairman, I look forward to the opportunity to work with Chairman SHUSTER and the Transportation and Infrastructure Committee on language to correct this process, working with the Senate to better serve our community and our country.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

First off, the provision to create a harbor maintenance trust fund to begin to actually spend the tax, which we collect from the American people for harbor maintenance, on harbor maintenance—it is shocking, shocking, in Washington that we would do something like that.

There are those on the Appropriations Committee guarding their fiefdoms, or the Budget Committee, who are opposed to this; but I heard a number of my colleagues on the Republican side say tonight they supported that concept. It came out of committee unanimously with Republican support; yet the Republican leadership reached into this bill and pulled out that provision because, I believe, they were afraid if that provision came to the floor for a vote that it would pass, that we would actually begin to spend the tax that we are collecting from the American people for harbor maintenance on harbor maintenance and begin to catch up with the backlog by spending another $400 million or $500 million a year, which today is being spent on God knows what. It is being just thrown into the air.

Someone said earlier, oh, that money hasn't been spent. Okay. Show me what account that $9.8 billion is in. There is no account. There is no account. The money has been collected and it has disappeared.

Now, we can keep that up, and we are going to keep it up now for another 2 years. That will be another billion dollars that won't be spent on harbor maintenance. So everybody waiting in line to get dredged—and there are a lot of ports waiting in line to get dredged. Everybody waiting in that really long line of now $74 billion of backlogged authorized projects is just going to have to wait a little longer. In fact, most of them will be dead before they get around to their project.

So it is really a very sad day for the House of Representatives when the House is not being allowed to work its will. We are not being allowed to vote on something because a couple of chairmen of a couple of committees that don't know much about this subject—they aren't the authorizers; they don't understand the details; apparently, they don't understand the massive need in backlog—don't want to spend the tax that is collected for the purpose for which it is collected, which is harbor maintenance and/or construction. It is a very sad day for the House of Representatives.

I urge my colleagues to vote in opposition to the legislation.

I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today on the floor with the WRDA bill. We are

back in regular order. This bill reasserts congressional authority, making sure that Congress has its say on these matters. This bill addresses specific Federal responsibilities that strengthen our infrastructure and it is fiscally responsible.

If we pass the manager's amendment, there are 31 Chief's Reports and 29 feasibility studies which touch all corners of the United States. I know Members on both sides of the aisle have projects in there that are extremely important to their district, to their State, and, of course, to the Nation.

It certainly was my goal for this to come to the floor in a bipartisan manner just the way it came out of committee. Unfortunately, it did violate a House rule, and we had to strip a part of that bill out.

But I just want to say again, as I opened, I agree with Mr. DEFAZIO—and you heard, as he just pointed out, there are many Members on our side of the aisle that agree—we have got to figure out a way to move this forward so that Congress continues to have a say, and that those dollars that people pay to use the ports, they pay that fee, and when it goes into that trust fund, it is spent on its intended purpose. It is just wrong—it is absolutely wrong—that we don't do that.

We are going to pass this bill on the floor here tomorrow. I will continue to work with the ranking member to find a solution, because it is my goal to be here next Congress and to have another WRDA bill on the floor and address this problem and continue to pass good legislation that strengthens our infrastructure and strengthens America's competitiveness in the world.

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

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–65. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 5303

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2016''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. SECRETARY DEFINED.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—GENERAL PROVISIONS

SEC. 101. SENSE OF CONGRESS REGARDING WATER RESOURCES DEVELOPMENT ACTS.

(a) FINDINGS.—Congress finds the following:

(1) The Corps of Engineers constructs projects for the purposes of navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration, and enhancement, and fish and wildlife mitigation.

(2) The Corps of Engineers is the primary Federal provider of outdoor recreation in the United States.

(3) The Corps of Engineers owns and operates more than 600 dams.

(4) The Corps of Engineers operates and maintains 12,000 miles of commercial inland navigation channels.

(5) The Corps of Engineers manages the dredging of more than 200,000,000 cubic yards of construction and maintenance dredge material annually.

(6) The Corps of Engineers maintains 926 coastal, Great Lakes, and inland harbors.

(7) The Corps of Engineers restores, creates, enhances, or preserves tens of thousands of acres of wetlands annually under the Corps' Regulatory Program.

(8) The Corps of Engineers provides a total water supply storage capacity of 329,200,000 acre-feet in major Corps lakes.

(9) The Corps of Engineers owns and operates 24 percent of United States hydropower capacity or 3 percent of the total electric capacity of the United States.

(10) The Corps of Engineers supports Army and Air Force installations.

(11) The Corps of Engineers provides technical and construction support to more than 100 countries.

(12) The Corps of Engineers manages an Army military construction program that carried out approximately $44,600,000,000 in construction projects (the largest construction effort since World War II) between 2006 and 2013.

(13) The Corps of Engineers researches and develops technologies to protect the environment and enhance quality of life in the United States.

(14) The legislation for authorizing Corps of Engineers projects is the Water Resources Development Act and, between 1986 and 2000, Congress typically enacted an authorization bill every 2 years.

(15) Since 2000, only 3 Water Resources Development Acts have been enacted.

(16) In 2014, the Water Resources Reform and Development Act of 2014 was enacted, which accelerated the infrastructure project delivery process, fostered fiscal responsibility, and strengthened water transportation networks to promote the competitiveness, prosperity, and economic growth of the United States.

(17) Section 1001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282c) requires typical Corps of Engineers project feasibility studies to be completed in 3 years.

(18) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C.

2282d) requires the Corps of Engineers to submit annually a Report to Congress on Future Water Resources Development, which ensures projects and activities proposed at the local, regional, and State levels are considered for authorization.

(19) Passing Water Resources Development Acts on a routine basis enables Congress to exercise oversight, ensures the Corps of Engineers maintains an appropriately sized portfolio, prevents project backlog, and keeps United States infrastructure competitive.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the missions and authorities of the Corps of Engineers are a unique function that benefits all Americans;

(2) water resources development projects are critical to maintaining economic prosperity, national security, and environmental protection;

(3) Congress has required timely delivery of project and study authorization proposals from non-Federal project sponsors and the Corps of Engineers; and

(4) Congress should consider a Water Resources Development Act at least once every Congress.

SEC. 102. TRAINING AND EMPLOYMENT FOR VETERANS AND MEMBERS OF ARMED FORCES IN CURATION AND HISTORIC PRESERVATION.

Using available funds, the Secretary, acting through the Chief of Engineers, shall carry out a Veterans' Curation Program to train and hire veterans and members of the Armed Forces to assist the Secretary in carrying out curation and historic preservation activities.

SEC. 103. YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.

Section 213 of the Water Resources Development Act of 2000 (33 U.S.C. 2339) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) YOUTH SERVICE AND CONSERVATION CORPS ORGANIZATIONS.—The Secretary shall, to the maximum extent practicable, enter into cooperative agreements with qualified youth service and conservation corps organizations for services relating to projects under the jurisdiction of the Secretary and shall do so in a manner that ensures the maximum participation and opportunities for such organizations.''.

SEC. 104. NAVIGATION SAFETY.

The Secretary shall use section 5 of the Act of March 4, 1915 (38 Stat. 1053, chapter 142; 33 U.S.C. 562), to carry out navigation safety activities at those projects eligible for operation and maintenance under section 204(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(f)).

SEC. 105. EMERGING HARBORS.

Section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) is amended—

(1) in subsection (c)(3) by striking ''for each of fiscal years 2015 through 2022'' and inserting ''for each fiscal year''; and

(2) in subsection (d)(1)(A)—

(A) in the matter preceding clause (i) by striking ''For each of fiscal years 2015 through 2024'' and inserting ''For each fiscal year'';

(B) in clause (i) by striking ''90'' and inserting ''Not more than 90''; and

(C) in clause (ii) by striking ''10'' and inserting ''At least 10''.

SEC. 106. FEDERAL BREAKWATERS AND JETTIES.

(a) IN GENERAL.—The Secretary shall, at Federal expense, establish an inventory and conduct an assessment of the general structural condition of all Federal breakwaters and jetties protecting harbors and inland harbors within the United States.

(b) CONTENTS.—The inventory and assessment carried out under subsection (a) shall include—

(1) compiling location information for all Federal breakwaters and jetties protecting harbors and inland harbors within the United States;

(2) determining the general structural condition of each breakwater and jetty;

(3) analyzing the potential risks to navigational safety, and the impact on the periodic maintenance dredging needs of protected harbors and inland harbors, resulting from the general structural condition of each breakwater and jetty; and

(4) estimating the costs, for each breakwater and jetty, to restore or maintain the breakwater or jetty to authorized levels and the total of all such costs.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the inventory and assessment carried out under subsection (a).

SEC. 107. DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106(a)(2)(B) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c(a)(2)(B)) is amended by striking ''$15,000,000'' and inserting ''$5,000,000''.

SEC. 108. REMOTE AND SUBSISTENCE HARBORS.

Section 2006 of the Water Resources Development Act of 2007 (33 U.S.C. 2242) is amended—

(1) in subsection (a)(3) by inserting ''in which the project is located, or the long-term viability of a community that is located in the region that is served by the project and that will rely on the project,'' after ''community''; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting ''and communities that are located in the region to be served by the project and that will rely on the project'' after ''community'';

(B) in paragraph (4) by striking ''local population'' and inserting ''regional population to be served by the project''; and

(C) in paragraph (5) by striking ''community'' and inserting ''local community and communities that are located in the region to be served by the project and that will rely on the project''.

SEC. 109. BENEFICIAL USE OF DREDGED MATERIAL.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a pilot program to carry out projects for the beneficial use of dredged material, including projects for the purposes of—

(1) reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation; and

(6) supporting risk management adaptation strategies.

(b) PROJECT SELECTION.—In carrying out the pilot program, the Secretary shall—

(1) identify for inclusion in the pilot program and carry out 10 projects for the beneficial use of dredged material;

(2) consult with relevant State agencies in selecting projects; and

(3) select projects solely on the basis of—

(A) the environmental, economic, and social benefits of the projects, including monetary and nonmonetary benefits; and

(B) the need for a diversity of project types and geographical project locations.

(c) REGIONAL BENEFICIAL USE TEAMS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish regional beneficial use teams to identify and assist in the implementation of projects under the pilot program.

(2) COMPOSITION.—

(A) LEADERSHIP.—For each regional beneficial use team established under paragraph (1), the Secretary shall appoint the Commander of the relevant division of the Corps of Engineers to serve as the head of the team.

(B) MEMBERSHIP.—The membership of each regional beneficial use team shall include—

(i) representatives of relevant Corps of Engineers districts and divisions;

(ii) representatives of relevant State and local agencies; and

(iii) representatives of Federal agencies and such other entities as the Secretary determines appropriate, consistent with the purposes of this section.

(d) CONSIDERATIONS.—The Secretary shall carry out the pilot program in a manner that—

(1) maximizes the beneficial placement of dredged material from Federal and non-Federal navigation channels;

(2) incorporates, to the maximum extent practicable, 2 or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects;

(3) coordinates the mobilization of dredges and related equipment, including through the use of such efficiencies in contracting and environmental permitting as can be implemented under existing laws and regulations;

(4) fosters Federal, State, and local collaboration;

(5) implements best practices to maximize the beneficial use of dredged sand and other sediments; and

(6) ensures that the use of dredged material is consistent with all applicable environmental laws.

(e) COST SHARING.—Projects carried out under this section shall be subject to the cost-sharing requirements applicable to projects carried out under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

(1) a description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

(g) TERMINATION.—The pilot program shall terminate after completion of the 10 projects carried out pursuant to subsection (b)(1).

(h) EXEMPTION FROM OTHER STANDARDS.—The projects carried out under this section shall be carried out notwithstanding the definition of the term ''Federal standard'' in section 335.7 of title 33, Code of Federal Regulations.

(i) CLARIFICATION.—Section 156(e) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(e)) is amended by striking ''3'' and inserting ''6''.

SEC. 110. RESERVOIR SEDIMENT.

(a) IN GENERAL.—Section 215 of the Water Resources Development Act of 2000 (33 U.S.C. 2326c) is amended to read as follows:

''SEC. 215. RESERVOIR SEDIMENT.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Water Resources Development Act of 2016 and after providing public notice, the Secretary shall establish, using available funds, a pilot program to accept services provided by a non-Federal interest or commercial entity for removal of sediment captured behind a dam owned or operated by the United States and under the jurisdiction of the Secretary for the purpose of restoring the authorized storage capacity of the project concerned.

''(b) REQUIREMENTS.—In carrying out this section, the Secretary shall—

''(1) review the services of the non-Federal interest or commercial entity to ensure that the services are consistent with the authorized purposes of the project concerned;

''(2) ensure that the non-Federal interest or commercial entity will indemnify the United

States for, or has entered into an agreement approved by the Secretary to address, any adverse impact to the dam as a result of such services;

''(3) require the non-Federal interest or commercial entity, prior to initiating the services and upon completion of the services, to conduct sediment surveys to determine the pre- and post-services sediment profile and sediment quality; and

''(4) limit the number of dams for which services are accepted to 10.

''(c) LIMITATION.—

''(1) IN GENERAL.—The Secretary may not accept services under subsection (a) if the Secretary, after consultation with the Chief of Engineers, determines that accepting the services is not advantageous to the United States.

''(2) REPORT TO CONGRESS.—If the Secretary makes a determination under paragraph (1), the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice describing the reasoning for the determination.

''(d) DISPOSITION OF REMOVED SEDIMENT.—In exchange for providing services under subsection (a), a non-Federal interest or commercial entity is authorized to retain, use, recycle, sell, or otherwise dispose of any sediment removed in connection with the services and the Corps of Engineers may not seek any compensation for the value of the sediment.

''(e) CONGRESSIONAL NOTIFICATION.—Prior to accepting services provided by a non-Federal interest or commercial entity under this section, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the acceptance of the services.

''(f) REPORT TO CONGRESS.—Upon completion of services at the 10 dams allowed under subsection (b)(4), the Secretary shall make publicly available and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report documenting the results of the services.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2000 is amended by striking the item relating to section 215 and inserting the following:

''Sec. 215. Reservoir sediment.''.

SEC. 111. CONTRIBUTED FUNDS FOR RESERVOIR OPERATIONS.

Section 5 of the Act of June 22, 1936 (49 Stat. 1572, chapter 688; 33 U.S.C. 701h), is amended by inserting after ''authorized purposes of the project:'' the following: ''Provided further, That the Secretary is authorized to receive and expend funds from a State or a political subdivision thereof, and other non-Federal interests, to formulate, review, or revise operational documents for any reservoir for which the Secretary is authorized to prescribe regulations for the use of storage allocated for flood risk management or navigation pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709):''.

SEC. 112. WATER SUPPLY CONSERVATION.

(a) IN GENERAL.—In a State in which a drought emergency has been declared or was in effect during the 1-year period ending on the date of enactment of this Act, the Secretary is authorized—

(1) to conduct an evaluation for purposes of approving water supply conservation measures that are consistent with the authorized purposes of water resources development projects under the jurisdiction of the Secretary; and

(2) to enter into written agreements pursuant to section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) with non-Federal interests to carry out the conservation measures approved by such evaluations.

(b) ELIGIBILITY.—Water supply conservation measures evaluated under subsection (a) may include the following:

(1) Storm water capture.

(2) Releases for ground water replenishment or aquifer storage and recovery.

(3) Releases to augment water supply at another Federal or non-Federal storage facility.

(4) Other conservation measures that enhance usage of a Corps of Engineers project for water supply.

(c) COSTS.—A non-Federal interest shall pay only the separable costs associated with the evaluation, implementation, operation, and maintenance of an approved water supply conservation measure, which payments may be accepted and expended by the Corps of Engineers to cover such costs.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to modify or alter the obligations of a non-Federal interest under existing or future agreements for—

(1) water supply storage pursuant to section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b); or

(2) surplus water use pursuant to section 6 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 708).

(e) LIMITATIONS.—Nothing in this section—

(1) affects, modifies, or changes the authorized purposes of a Corps of Engineers project;

(2) affects existing Corps of Engineers authorities, including its authorities with respect to navigation, flood damage reduction, and environmental protection and restoration;

(3) affects the Corps of Engineers ability to provide for temporary deviations;

(4) affects the application of a cost-share requirement under section 101, 102, or 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2211, 2212, and 2213);

(5) supersedes or modifies any written agreement between the Federal Government and a non-Federal interest that is in effect on the date of enactment of this Act;

(6) supersedes or modifies any amendment to an existing multistate water control plan, including those water control plans along the Missouri River and those water control plans in the Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa basins;

(7) affects any water right in existence on the date of enactment of this Act; or

(8) preempts or affects any State water law or interstate compact governing water.

SEC. 113. INTERSTATE COMPACTS.

Section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b) is amended by striking subsection (f).

SEC. 114. NONSTRUCTURAL ALTERNATIVES.

Section 5(a)(1) of the Act of August 18, 1941 (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)(1)), is amended by striking ''if requested'' each place it appears and inserting ''after consultation with the non-Federal sponsor and if requested and agreed to''.

SEC. 115. OPERATION AND MAINTENANCE OF ENVIRONMENTAL PROTECTION AND RESTORATION AND AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) NON-FEDERAL OBLIGATIONS.—Notwithstanding section 103(j) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)), a non-Federal interest is released from any obligation to operate and maintain the nonstructural and nonmechanical components of a water resources development project carried out for the purposes of environmental protection and restoration or aquatic ecosystem restoration, including a project carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) or section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), if the Secretary determines that—

(1) the 50-year period that began on the date on which project construction was completed has concluded; or

(2) the criteria identified in the guidance issued under subsection (c) have been met with respect to the project.

(b) FEDERAL OBLIGATIONS.—The Secretary is not responsible for the operation or maintenance of any components of a project with respect to which a non-Federal interest is released from obligations under subsection (a).

(c) GUIDANCE.—In consultation with non-Federal interests, and not later than 1 year after the date of enactment of this Act, the Secretary shall issue guidance that identifies criteria for determining, using the best available science, when the purpose of a project for environmental protection and restoration or aquatic ecosystem restoration has been achieved, including criteria for determining when a project has resulted in the return of the project location to a condition where natural hydrologic and ecological functions are the predominant factors in the condition, functionality, and durability of the location.

SEC. 116. ESTUARY RESTORATION.

(a) PARTICIPATION OF NON-FEDERAL INTERESTS.—Section 104(f) of the Estuary Restoration Act of 2000 (33 U.S.C. 2903(f)) is amended by adding at the end the following:

''(3) PROJECT AGREEMENTS.—For a project carried out under this title, the requirements of section 103(j)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(j)(1)) may be fulfilled by a nongovernmental organization serving as the non-Federal interest for the project pursuant to paragraph (2).''.

(b) EXTENSION.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended by striking ''2012'' each place it appears and inserting ''2021''.

SEC. 117. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

Section 506(g) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(g)) is repealed.

SEC. 118. AGREEMENTS.

Section 2036(c) of the Water Resources Development Act of 2007 (33 U.S.C. 2317b) is repealed.

SEC. 119. CORPS OF ENGINEERS OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—The Secretary shall designate an individual, within the headquarters office of the Corps of Engineers, who shall serve as the coordinator and principal approving official for developing the process and procedures by which the Corps of Engineers—

(1) operates and maintains small unmanned aircraft (as defined in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) systems in support of civil works and emergency response missions of the Corps of Engineers; and

(2) acquires, applies for, and receives any necessary Federal Aviation Administration authorizations for such operations and systems.

(b) REQUIREMENTS.—A small unmanned aircraft system acquired, operated, or maintained for carrying out the missions specified in subsection (a) shall be operated in accordance with regulations of the Federal Aviation Administration as a civil aircraft or public aircraft, at the discretion of the Secretary, and shall be exempt from regulations of the Department of Defense, including the Department of the Army, governing such system.

(c) LIMITATION.—A small unmanned aircraft system acquired, operated, or maintained by the Corps of Engineers is excluded from use by the Department of Defense, including the Department of the Army, for any mission of the Department of Defense other than a mission specified in subsection (a).

SEC. 120. FEDERAL DREDGE FLEET.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the costs and benefits of expanding, reducing, or maintaining the current configuration with respect to the size and makeup of the federally owned hopper dredge fleet.

(b) FACTORS.—In carrying out the study, the Comptroller General shall evaluate—

(1) the current and anticipated configuration and capacity of the Federal and private hopper dredge fleet;

(2) the current and anticipated trends for the volume and type of dredge work required over the next 10 years, and the alignment of the size of the existing Federal and private hopper dredge fleet with future dredging needs;

(3) available historic data on the costs, efficiency, and time required to initiate and complete dredging work carried out by Federal and private hopper dredge fleets, respectively;

(4) whether the requirements of section 3 of the Act of August 11, 1888 (25 Stat. 423, chapter 860; 33 U.S.C. 622), have any demonstrable impacts on the factors identified in paragraphs (1) through (3), and whether such requirements are most economical and advantageous to the United States; and

(5) other factors that the Comptroller General determines are necessary to evaluate whether it is economical and advantageous to the United States to expand, reduce, or maintain the current configuration of the federally owned hopper dredge fleet.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 121. CORPS OF ENGINEERS ASSETS.

Section 6002 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1349) is amended—

(1) in subsection (a) by striking ''the date of enactment of this Act'' and inserting ''the date of enactment of the Water Resources Development Act of 2016''; and

(2) in subsection (b) by adding at the end the following:

''(6) The extent to which the property has economic, cultural, historic, or recreational significance, or impacts at the national, State, or local level.''.

SEC. 122. FUNDING TO PROCESS PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)) is amended—

(1) in paragraph (1) by adding at the end the following:

''(C) RAILROAD CARRIER.—The term 'railroad carrier' has the meaning given the term in section 20102 of title 49, United States Code.'';

(2) in paragraph (2)—

(A) by striking ''or natural gas company'' and inserting '', natural gas company, or railroad carrier''; and

(B) by striking ''or company'' and inserting '', company, or carrier'';

(3) by striking paragraph (3);

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(5) in paragraph (4) (as so redesignated) by striking ''and natural gas companies'' and inserting '', natural gas companies, and railroad carriers''.

SEC. 123. CREDIT IN LIEU OF REIMBURSEMENT.

Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a) by striking ''that has been constructed by a non-Federal interest under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13) before the date of enactment of this Act'' and inserting ''for which a written agreement with the Corps of Engineers for construction was finalized on or before December 31, 2014, under section 211 of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13)''; and

(2) in subsection (b) by striking ''share of the cost of the non-Federal interest of carrying out other flood damage reduction projects or studies'' and inserting ''non-Federal share of the cost of carrying out other water resources development projects or studies of the non-Federal interest''.

SEC. 124. CLARIFICATION OF CONTRIBUTIONS DURING EMERGENCY EVENTS.

Section 1024(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2325a(a)) is amended by inserting after ''emergency'' the following: '', or that has had or may have an equipment failure (including a failure caused by a lack of or deferred maintenance),''.

SEC. 125. STUDY OF WATER RESOURCES DEVELOPMENT PROJECTS BY NON-FEDERAL INTERESTS.

Section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) is amended by adding at the end the following:

''(e) TECHNICAL ASSISTANCE.—At the request of a non-Federal interest, the Secretary may provide to the non-Federal interest technical assistance relating to any aspect of a feasibility study if the non-Federal interest contracts with the Secretary to pay all costs of providing such technical assistance.''.

SEC. 126. NON-FEDERAL CONSTRUCTION OF AUTHORIZED FLOOD DAMAGE REDUCTION PROJECTS.

Section 204(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2232(d)) is amended by adding at the end the following:

''(5) DISCRETE SEGMENTS.—

''(A) IN GENERAL.—The Secretary may authorize credit or reimbursement under this subsection for a discrete segment of a flood damage reduction project, or separable element thereof, before final completion of the project or separable element if—

''(i) except as provided in clause (ii), the Secretary determines that the discrete segment satisfies the requirements of paragraphs (1) through (4) in the same manner as the project or separable element; and

''(ii) notwithstanding paragraph (1)(A)(ii), the Secretary determines, before the approval of the plans under paragraph (1)(A)(i), that the discrete segment is technically feasible and environmentally acceptable.

''(B) DETERMINATION.—Credit or reimbursement may not be made available to a non-Federal interest pursuant to this paragraph until the Secretary determines that—

''(i) the construction of the discrete segment for which credit or reimbursement is requested is complete; and

''(ii) the construction is consistent with the authorization of the applicable flood damage reduction project, or separable element thereof, and the plans approved under paragraph (1)(A)(i).

''(C) WRITTEN AGREEMENT.—

''(i) IN GENERAL.—As part of the written agreement required under paragraph (1)(A)(iii), a non-Federal interest to be eligible for credit or reimbursement under this paragraph shall—

''(I) identify any discrete segment that the non-Federal interest may carry out; and

''(II) agree to the completion of the flood damage reduction project, or separable element thereof, with respect to which the discrete segment is a part and establish a timeframe for such completion.

''(ii) REMITTANCE.—If a non-Federal interest fails to complete a flood damage reduction project, or separable element thereof, that it agreed to complete under clause (i)(II), the non-Federal interest shall remit any reimbursements received under this paragraph for a discrete segment of such project or separable element.

''(D) DISCRETE SEGMENT DEFINED.—In this paragraph, the term 'discrete segment' means a physical portion of a flood damage reduction project, or separable element thereof—

''(i) described by a non-Federal interest in a written agreement required under paragraph (1)(A)(iii); and

''(ii) that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the flood damage reduction project, or separable element thereof.''.

SEC. 127. MULTISTATE ACTIVITIES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a)(1)—

(A) by striking ''or other non-Federal interest'' and inserting '', group of States, or non-Federal interest'';

(B) by inserting ''or group of States'' after ''working with a State''; and

(C) by inserting ''or group of States'' after ''boundaries of such State''; and

(2) in subsection (c)(1) by adding at the end the following: ''The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).''.

SEC. 128. REGIONAL PARTICIPATION ASSURANCE FOR LEVEE SAFETY ACTIVITIES.

(a) NATIONAL LEVEE SAFETY PROGRAM.—Section 9002 of the Water Resources Development Act of 2007 (33 U.S.C. 3301) is amended—

(1) in paragraph (11) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(2) by redesignating paragraphs (12) through (16) as paragraphs (13) through (17), respectively; and

(3) by inserting after paragraph (11) the following:

''(12) REGIONAL DISTRICT.—The term 'regional district' means a subdivision of a State government, or a subdivision of multiple State governments, that is authorized to acquire, construct, operate, and maintain projects for the purpose of flood damage reduction.''.

(b) INVENTORY AND INSPECTION OF LEVEES.—Section 9004 of the Water Resources Development Act of 2007 (33 U.S.C. 3303) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''one year after the date of enactment of this Act'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016'';

(B) in paragraph (2)(A) by striking ''States, Indian tribes, Federal agencies, and other entities'' and inserting ''States, regional districts, Indian tribes, Federal agencies, and other entities''; and

(C) in paragraph (3)—

(i) in the heading for subparagraph (A) by striking ''FEDERAL, STATE, AND LOCAL'' and inserting ''FEDERAL, STATE, REGIONAL, TRIBAL, AND LOCAL''; and

(ii) in subparagraph (A) by striking ''Federal, State, and local'' and inserting ''Federal, State, regional, tribal, and local''; and

(2) in subsection (c)—

(A) in paragraph (4)—

(i) in the paragraph heading by striking ''STATE AND TRIBAL'' and inserting ''STATE, REGIONAL, AND TRIBAL''; and

(ii) by striking ''State or Indian tribe'' each place it appears and inserting ''State, regional district, or Indian tribe''; and

(B) in paragraph (5)—

(i) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe''; and

(ii) by striking ''chief executive of the tribal government'' and inserting ''chief executive of the regional district or tribal government''.

(c) LEVEE SAFETY INITIATIVE.—Section 9005 of the Water Resources Development Act of 2007 (33 U.S.C. 3303a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

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

(I) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(II) by striking ''State, local, and tribal governments and organizations'' and inserting ''State, regional, local, and tribal governments and organizations''; and

(ii) in subparagraph (A) by striking ''Federal, State, tribal, and local agencies'' and inserting

''Federal, State, regional, local, and tribal agencies'';

(B) in paragraph (3)—

(i) in subparagraph (A) by striking ''State, local, and tribal governments'' and inserting ''State, regional, local, and tribal governments''; and

(ii) in subparagraph (B) by inserting '', regional, or tribal'' after ''State'' each place it appears; and

(C) in paragraph (5)(A) by striking ''States, non-Federal interests, and other appropriate stakeholders'' and inserting ''States, regional districts, Indian tribes, non-Federal interests, and other appropriate stakeholders'';

(2) in subsection (e)(1) in the matter preceding subparagraph (A) by striking ''States, communities, and levee owners'' and inserting ''States, regional districts, Indian tribes, communities, and levee owners'';

(3) in subsection (g)—

(A) in the subsection heading by striking ''STATE AND TRIBAL'' and inserting ''STATE, REGIONAL, AND TRIBAL'';

(B) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(II) by striking ''State or tribal'' and inserting ''State, regional, or tribal''; and

(ii) in subparagraph (B)—

(I) by striking ''State and Indian tribe'' and inserting ''State, regional district, and Indian tribe''; and

(II) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe''; and

(C) in paragraph (2)—

(i) in the paragraph heading by striking ''STATES'' and inserting ''STATES, REGIONAL DISTRICTS, AND INDIAN TRIBES'';

(ii) in subparagraph (A) by striking ''States and Indian tribes'' and inserting ''States, regional districts, and Indian tribes'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(II) in clause (ii) by striking ''levees within the State'' and inserting ''levees within the State or regional district''; and

(III) in clause (iii) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(iv) in subparagraph (C)(ii) in the matter preceding subclause (I) by striking ''State or tribal'' and inserting ''State, regional, or tribal''; and

(v) in subparagraph (E)—

(I) by striking ''States and Indian tribes'' each place it appears and inserting ''States, regional districts, and Indian tribes'';

(II) in clause (ii)(II)—

(aa) in the matter preceding item (aa) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe'';

(bb) in item (aa) by striking ''miles of levees in the State'' and inserting ''miles of levees in the State or regional district''; and

(cc) in item (bb) by striking ''miles of levees in all States'' and inserting ''miles of levees in all States and regional districts''; and

(III) in clause (iii)—

(aa) by striking ''State or Indian tribe'' and inserting ''State, regional district, or Indian tribe''; and

(bb) by striking ''State or tribal'' and inserting ''State, regional, or tribal''; and

(4) in subsection (h)—

(A) in paragraph (1) by striking ''States, Indian tribes, and local governments'' and inserting ''States, regional districts, Indian tribes, and local governments'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking ''State, Indian tribe, or local government'' and inserting ''State, regional district, Indian tribe, or local government''; and

(ii) in subparagraph (E) in the matter preceding clause (i) by striking ''State or tribal'' and inserting ''State, regional, or tribal'';

(C) in paragraph (3)—

(i) in subparagraph (A) by striking ''State, Indian tribe, or local government'' and inserting ''State, regional district, Indian tribe, or local government''; and

(ii) in subparagraph (D) by striking ''180 days after the date of enactment of this subsection'' and inserting ''180 days after the date of enactment of the Water Resources Development Act of 2016''; and

(D) in paragraph (4)(A)(i) by striking ''State or tribal'' and inserting ''State, regional, or tribal''.

(d) REPORTS.—Section 9006 of the Water Resources Development Act of 2007 (33 U.S.C. 3303b) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(B) in subparagraph (B) by striking ''State and tribal'' and inserting ''State, regional, and tribal'';

(2) in subsection (c)—

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

(i) by striking ''2 years after the date of enactment of this subsection'' and inserting ''2 years after the date of enactment of the Water Resources Development Act of 2016''; and

(ii) by striking ''State, tribal, and local'' and inserting ''State, regional, tribal, and local'';

(B) in paragraph (2) by striking ''State and tribal'' and inserting ''State, regional, and tribal''; and

(C) in paragraph (4) by striking ''State and local'' and inserting ''State, regional, tribal, and local''; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1) by striking ''1 year after the date of enactment of this subsection'' and inserting ''1 year after the date of enactment of the Water Resources Development Act of 2016''; and

(B) in paragraph (2) by striking ''State or tribal'' and inserting ''State, regional, or tribal''.

SEC. 129. PARTICIPATION OF NON-FEDERAL INTERESTS.

Section 221(b)(1) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)(1)) is amended by inserting ''and, as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), a Native village, Regional Corporation, and Village Corporation'' after ''Indian tribe''.

SEC. 130. INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended—

(1) in the section heading by inserting ''**AND INDIAN TRIBES**'' after ''**TERRITORIES**''; and

(2) in subsection (a)—

(A) by striking ''projects in American'' and inserting ''projects—

''(1) in American'';

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

(C) by adding at the end the following:

''(2) for a federally recognized Indian tribe.''.

SEC. 131. DISSEMINATION OF INFORMATION ON THE ANNUAL REPORT PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Congress plays a central role in identifying, prioritizing, and authorizing vital water resources infrastructure activities throughout the United States.

(2) The Water Resources Reform and Development Act of 2014 (Public Law 113–121) established a new and transparent process to review and prioritize the water resources development activities of the Corps of Engineers with strong congressional oversight.

(3) Section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) requires the Secretary to develop and submit to Congress each year a Report to Congress on Future Water Resources Development and, as part of the annual report process, to—

(A) publish a notice in the Federal Register that requests from non-Federal interests proposed feasibility studies and proposed modifications to authorized water resources development projects and feasibility studies for inclusion in the report; and

(B) review the proposals submitted and include in the report those proposed feasibility studies and proposed modifications that meet the criteria for inclusion established under section 7001.

(4) Congress will use the information provided in the annual Report to Congress on Future Water Resources Development to determine authorization needs and priorities for purposes of water resources development legislation.

(5) To ensure that Congress can gain a thorough understanding of the water resources development needs and priorities of the United States, it is important that the Secretary take sufficient steps to ensure that non-Federal interests are made aware of the new annual report process, including the need for non-Federal interests to submit proposals during the Secretary's annual request for proposals in order for such proposals to be eligible for consideration by Congress.

(b) DISSEMINATION OF PROCESS INFORMATION.—The Secretary shall develop, support, and implement education and awareness efforts for non-Federal interests with respect to the annual Report to Congress on Future Water Resources Development required under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d), including efforts to—

(1) develop and disseminate technical assistance materials, seminars, and guidance on the annual process as it relates to non-Federal interests;

(2) provide written notice to previous and potential non-Federal interests and local elected officials on the annual process and on opportunities to address local water resources challenges through the missions and authorities of the Corps of Engineers;

(3) issue guidance for non-Federal interests to assist such interests in developing proposals for water resources development projects that satisfy the requirements of section 7001; and

(4) provide, at the request of a non-Federal interest, assistance with researching and identifying existing project authorizations and Corps of Engineers decision documents.

SEC. 132. SCOPE OF PROJECTS.

Section 7001(f) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(f)) is amended by adding at the end the following:

''(5) WATER RESOURCES DEVELOPMENT PROJECT.—The term 'water resources development project' includes a project under an environmental infrastructure assistance program.''.

SEC. 133. PRELIMINARY FEASIBILITY STUDY ACTIVITIES.

At the request of a non-Federal interest with respect to a proposed water resources development project, the Secretary shall meet with the non-Federal interest, prior to initiating a feasibility study relating to the proposed project, to review a preliminary analysis of the Federal interest in the proposed project and the costs, benefits, and environmental impacts of the proposed project, including an estimate of the costs of preparing a feasibility report.

SEC. 134. POST-AUTHORIZATION CHANGE REPORTS.

(a) IN GENERAL.—The completion of a post-authorization change report prepared by the Corps of Engineers for a water resources development project—

(1) may not be delayed as a result of consideration being given to changes in policy or priority with respect to project consideration; and

(2) shall be submitted, upon completion, to—

(A) the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) COMPLETION REVIEW.—With respect to a post-authorization change report subject to review by the Secretary, the Secretary shall, not later than 120 days after the date of completion of such report—

(1) review the report; and

(2) provide to Congress any recommendations of the Secretary regarding modification of the applicable water resources development project.

(c) PRIOR REPORTS.—Not later than 120 days after the date of enactment of this Act, with respect to any post-authorization change report that was completed prior to the date of enactment of this Act and is subject to a review by the Secretary that has yet to be completed, the Secretary shall complete review of, and provide recommendations to Congress with respect to, the report.

(d) POST-AUTHORIZATION CHANGE REPORT INCLUSIONS.—In this section, the term ''post-authorization change report'' includes—

(1) a general reevaluation report;

(2) a limited reevaluation report; and

(3) any other report that recommends the modification of an authorized water resources development project.

SEC. 135. MAINTENANCE DREDGING DATA.

(a) IN GENERAL.—The Secretary shall establish, maintain, and make publicly available a database on maintenance dredging carried out by the Secretary, which shall include information on maintenance dredging carried out by Federal and non-Federal vessels.

(b) SCOPE.—The Secretary shall include in the database maintained under subsection (a), for each maintenance dredging project and contract, data on—

(1) the volume of dredged material removed;

(2) the initial cost estimate of the Corps of Engineers;

(3) the total cost;

(4) the party and vessel carrying out the work; and

(5) the number of private contractor bids received and the bid amounts, including bids that did not win the final contract award.

SEC. 136. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Section 2040 of the Water Resources Development Act of 2007 (33 U.S.C. 2345) is amended to read as follows:

''SEC. 2040. ELECTRONIC SUBMISSION AND TRACKING OF PERMIT APPLICATIONS.

''(a) DEVELOPMENT OF ELECTRONIC SYSTEM.—

''(1) IN GENERAL.—The Secretary shall research, develop, and implement an electronic system to allow the electronic preparation and submission of applications for permits and requests for jurisdictional determinations under the jurisdiction of the Secretary.

''(2) INCLUSION.—The electronic system required under paragraph (1) shall address—

''(A) applications for standard individual permits;

''(B) applications for letters of permission;

''(C) joint applications with States for State and Federal permits;

''(D) applications for emergency permits;

''(E) applications or requests for jurisdictional determinations; and

''(F) preconstruction notification submissions, when required for a nationwide or other general permit.

''(3) IMPROVING EXISTING DATA SYSTEMS.—The Secretary shall seek to incorporate the electronic system required under paragraph (1) into existing systems and databases of the Corps of Engineers to the maximum extent practicable.

''(4) PROTECTION OF INFORMATION.—The electronic system required under paragraph (1) shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is otherwise prohibited by law.

''(b) SYSTEM REQUIREMENTS.—The electronic system required under subsection (a) shall—

''(1) enable an applicant or requester to prepare electronically an application for a permit or request;

''(2) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, the completed application form or request;

''(3) enable an applicant or requester to submit to the Secretary, by email or other means through the Internet, data and other information in support of the permit application or request;

''(4) provide an online interactive guide to provide assistance to an applicant or requester at any time while filling out the permit application or request; and

''(5) enable an applicant or requester (or a designated agent) to track the status of a permit application or request in a manner that will—

''(A) allow the applicant or requester to determine whether the application is pending or final and the disposition of the request;

''(B) allow the applicant or requester to research previously submitted permit applications and requests within a given geographic area and the results of such applications or requests; and

''(C) allow identification and display of the location of the activities subject to a permit or request through a map-based interface.

''(c) DOCUMENTATION.—All permit decisions and jurisdictional determinations made by the Secretary shall be in writing and include documentation supporting the basis for the decision or determination. The Secretary shall prescribe means for documenting all decisions or determinations to be made by the Secretary.

''(d) RECORD OF DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall maintain, for a minimum of 5 years, a record of all permit decisions and jurisdictional determinations made by the Secretary, including documentation supporting the basis of the decisions and determinations.

''(2) ARCHIVING OF INFORMATION.—The Secretary shall explore and implement an appropriate mechanism for archiving records of permit decisions and jurisdictional determinations, including documentation supporting the basis of the decisions and determinations, after the 5-year maintenance period described in paragraph (1).

''(e) AVAILABILITY OF DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall make the records of all permit decisions and jurisdictional determinations made by the Secretary available to the public for review and reproduction.

''(2) PROTECTION OF INFORMATION.—The Secretary shall provide for the protection of personal, private, privileged, confidential, and proprietary information, and information the disclosure of which is prohibited by law, which may be excluded from disclosure.

''(f) DEADLINE FOR ELECTRONIC SYSTEM IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall develop and implement, to the maximum extent practicable, the electronic system required under subsection (a) not later than 2 years after the date of enactment of the Water Resources Development Act of 2016.

''(2) REPORT ON ELECTRONIC SYSTEM IMPLEMENTATION.—Not later than 180 days after the expiration of the deadline under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the measures implemented and barriers faced in carrying out this section.

''(g) APPLICABILITY.—The requirements described in subsections (c), (d), and (e) shall apply to permit applications and requests for jurisdictional determinations submitted to the Secretary after the date of enactment of the Water Resources Development Act of 2016.

''(h) LIMITATION.—This section shall not preclude the submission to the Secretary, acting through the Chief of Engineers, of a physical copy of a permit application or a request for a jurisdictional determination.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 2007 is amended by striking the item relating to section 2040 and inserting the following:

''Sec. 2040. Electronic submission and tracking of permit applications.''.

SEC. 137. DATA TRANSPARENCY.

Section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342) is amended to read as follows:

''SEC. 2017. ACCESS TO WATER RESOURCE DATA.

''(a) IN GENERAL.—Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

''(1) the planning, design, construction, operation, and maintenance of water resources development projects; and

''(2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

''(b) LIMITATION.—Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

''(c) TIMING.—The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

''(d) PARTNERSHIPS.—In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.''.

SEC. 138. BACKLOG PREVENTION.

(a) PROJECT DEAUTHORIZATION.—

(1) IN GENERAL.—A water resources development project, or separable element of such a project, authorized for construction by this Act shall not be authorized after the last day of the 7-year period beginning on the date of enactment of this Act unless funds have been obligated for construction of such project during that period.

(2) IDENTIFICATION OF PROJECTS.—Not later than 60 days after the expiration of the 7-year period referred to in paragraph (1), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that identifies the projects deauthorized under paragraph (1).

(b) REPORT TO CONGRESS.—Not later than 60 days after the expiration of the 12-year period beginning on the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and make available to the public, a report that contains—

(1) a list of any water resources development projects authorized by this Act for which construction has not been completed during that period;

(2) a description of the reasons the projects were not completed;

(3) a schedule for the completion of the projects based on expected levels of appropriations; and

(4) a 5-year and 10-year projection of construction backlog and any recommendations to

Congress regarding how to mitigate current problems and the backlog.

SEC. 139. QUALITY CONTROL.

(a) IN GENERAL.—Paragraph (a) of the first section of the Act of December 22, 1944 (58 Stat. 888, chapter 665; 33 U.S.C. 701–1(a)), is amended by inserting ''and shall be made publicly available'' before the period at the end.

(b) PROJECT ADMINISTRATION.—Section 2041(b)(1) of the Water Resources Development Act of 2007 (33 U.S.C. 2346(b)(1)) is amended by inserting ''final post-authorization change report,'' after ''final reevaluation report,''.

SEC. 140. BUDGET DEVELOPMENT AND PRIORITIZATION.

(a) IN GENERAL.—In conjunction with the President's budget submission to Congress with respect to fiscal year 2018 under section 1105(a) of title 31, United States Code, and biennially thereafter in conjunction with the President's budget submission, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that describes—

(1) the metrics used in developing the civil works budget for the applicable fiscal year;

(2) the metrics used in developing each business line in the civil works budget; and

(3) how projects are prioritized in the applicable budget submission, including how the Secretary determines those projects for which construction initiation is recommended.

(b) NOTIFICATION.—

(1) REQUIREMENT.—If the Secretary proposes a covered revised budget estimate, the Secretary shall notify, in writing, each Member of Congress representing a congressional district affected by the study, project, or activity subject to the revised estimate.

(2) COVERED REVISED BUDGET ESTIMATE DEFINED.—In this subsection, the term ''covered revised budget estimate'' means a budget estimate for a water resources development study, project, or activity that differs from the estimate most recently specified for that study, project, or activity in a budget of the President submitted under section 1105(a) of title 31, United States Code.

SEC. 141. USE OF NATURAL AND NATURE-BASED FEATURES.

(a) REPORT.—Not later than February 1, 2017, and biennially thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the use of natural and nature-based features in water resources development projects, including flood risk reduction, coastal resiliency, and ecosystem restoration projects.

(b) CONTENTS.—The report shall include, at a minimum, the following:

(1) An assessment of the observed and potential impacts of the use of natural and nature-based features on the cost and effectiveness of water resources development projects and any co-benefits resulting from the use of such features.

(2) A description of any statutory, fiscal, or regulatory barrier to the appropriate consideration and use of natural and nature-based features in carrying out water resources development projects.

SEC. 142. ANNUAL REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.

Section 213(a) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4831) is amended by adding at the end the following:

''(4) ANNUAL REPORT ON PURCHASE OF FOREIGN MANUFACTURED ARTICLES.—

''(A) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Secretary shall submit to Congress a report on the amount of acquisitions in such fiscal year made by the Corps of Engineers for civil works projects from entities that manufactured the articles, materials, or supplies outside of the United States.

''(B) CONTENTS.—The report required under subparagraph (A) shall indicate, for each acquisition—

''(i) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States; and

''(ii) a summary of the total procurement funds spent on goods manufactured in the United States and the total procurement funds spent on goods manufactured outside of the United States.

''(C) PUBLIC AVAILABILITY.—Not later than 30 days after the submission of a report under subparagraph (A), the Secretary shall make such report publicly available on the agency's Web site.''.

SEC. 143. INTEGRATED WATER RESOURCES PLANNING.

In carrying out a feasibility study for a water resources development project, the Secretary shall coordinate with communities in the watershed covered by such study to determine if a local or regional water management plan exists or is under development for the purposes of stormwater management, water quality improvement, aquifer recharge, or water reuse. If such a local or regional water management plan exists for the watershed, the Secretary shall, in cooperation with the non-Federal sponsor for the plan and affected local public entities, avoid adversely affecting the purposes of the plan and, where feasible, incorporate the purposes of the plan into the Secretary's feasibility study.

SEC. 144. EVALUATION OF PROJECT PARTNERSHIP AGREEMENTS.

To the maximum extent practicable, the Secretary shall prioritize and complete the activities required of the Secretary under section 1013 of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1218).

SEC. 145. ADDITIONAL MEASURES AT DONOR PORTS AND ENERGY TRANSFER PORTS.

Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) is amended—

(1) in subsection (a)(4)(A) by striking ''Code of Federal Regulation'' and inserting ''Code of Federal Regulations''; and

(2) in subsection (f)—

(A) in paragraph (1) by striking ''2018'' and inserting ''2020''; and

(B) in paragraph (3)—

(i) by striking ''2015 through 2018'' and inserting ''2016 through 2020''; and

(ii) by striking ''2019 through 2022'' and inserting ''2021 through 2025''.

SEC. 146. ARCTIC DEEP DRAFT PORT DEVELOPMENT PARTNERSHIPS.

Section 2105 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2243) is amended—

(1) by striking ''(25 U.S.C. 450b))'' each place it appears and inserting ''(25 U.S.C. 450b)) and Native villages, Regional Corporations, and Village Corporations (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602))'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) CONSIDERATION OF NATIONAL SECURITY INTERESTS.—In carrying out a study of the feasibility of an Arctic deep draft port, the Secretary shall consult with the Secretary of Homeland Security and the Secretary of Defense to identify national security benefits associated with the Arctic deep draft port.''.

SEC. 147. INTERNATIONAL OUTREACH PROGRAM.

Section 401(a) of the Water Resources Development Act of 1992 (33 U.S.C. 2329(a)) is amended to read as follows:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Secretary may engage in activities to inform the United States of technological innovations abroad that could significantly improve water resources development in the United States.

''(2) INCLUSIONS.—Activities under paragraph (1) may include—

''(A) development, monitoring, assessment, and dissemination of information about foreign water resources projects that could significantly improve water resources development in the United States;

''(B) research, development, training, and other forms of technology transfer and exchange; and

''(C) offering technical services that cannot be readily obtained in the private sector to be incorporated into water resources projects if the costs for assistance will be recovered under the terms of each project.''.

SEC. 148. COMPREHENSIVE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study on the flood risks for vulnerable coastal populations in areas within the boundaries of the South Atlantic Division of the Corps of Engineers.

(b) INCLUSIONS.—In carrying out the study, the Secretary shall identify—

(1) activities that warrant additional analysis by the Corps of Engineers; and

(2) institutional and other barriers to providing protection to the vulnerable coastal populations.

(c) COORDINATION.—The Secretary shall conduct the study in coordination with appropriate Federal agencies and State, local, and tribal entities to ensure consistency with related plans.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $6,000,000 to carry out this section.

SEC. 149. ALTERNATIVE MODELS FOR MANAGING INLAND WATERWAYS TRUST FUND.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to analyze alternative models for managing the Inland Waterways Trust Fund, including the management of—

(1) project schedules for projects receiving assistance from the fund; and

(2) expenditures from the fund.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine, at a minimum, the costs and benefits of transferring management of the fund to a not-for-profit corporation or government-owned corporation.

(c) CONSIDERATIONS.—In assessing costs and benefits under subsection (b), the Comptroller General shall consider, among other factors—

(1) the benefits to the taxpayer;

(2) the impact on project delivery; and

(3) the impact on jobs.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 150. ALTERNATIVE PROJECTS TO MAINTENANCE DREDGING.

The Secretary may enter into agreements to assume the operation and maintenance costs of an alternative project to maintenance dredging for a channel if the alternative project would lower the overall costs of maintaining the channel.

SEC. 151. FISH HATCHERIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may operate a fish hatchery for the purpose of restoring a population of fish species located in the region surrounding the fish hatchery that is listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or a similar State law.

(b) COSTS.—A non-Federal entity, a Federal agency other than the Department of Defense, or a group of non-Federal entities or such Federal agencies shall be responsible for 100 percent

of the costs associated with managing a fish hatchery for the purpose described in subsection (a) that are not authorized as of the date of enactment of this Act for the fish hatchery.

SEC. 152. ENVIRONMENTAL BANKS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Chairperson of the Gulf Coast Ecosystem Restoration Council, with the concurrence of two-thirds of the Council, shall issue such regulations as are necessary for the establishment of procedures and processes for the use, maintenance, and oversight of environmental banks for purposes of mitigating adverse environmental impacts sustained by construction or other activities as required by law or regulation.

(b) REQUIREMENTS.—The regulations issued pursuant to subsection (a) shall—

(1) set forth procedures for certification of environmental banks, including criteria for adoption of an environmental banking instrument;

(2) provide a mechanism for the transfer of environmental credits;

(3) provide for priority certification to environmental banks that enhance the resilience of coastal resources to inundation and coastal erosion, including the restoration of resources within the scope of a project authorized for construction;

(4) ensure certification is given only to banks with secured adequate financial assurance and appropriate legally enforceable protection for restored lands or resources;

(5) stipulate conditions under which crosscrediting of environmental services may occur and provide standards for the conversion of such crediting;

(6) establish performance criteria for environmental banks;

(7) establish criteria for the operation and monitoring of environmental banks; and

(8) establish a framework whereby the purchase of credit from an environmental bank may be used to offset or satisfy past, current, or future adverse environmental impacts or liability under law to wetlands, water, wildlife, or other natural resources.

(c) CONSIDERATION.—In developing the regulations required under subsection (a), the Chairperson shall take into consideration habitat equivalency analysis.

(d) MODIFICATIONS.—The Chairperson may modify or update the regulations issued pursuant to this section, subject to appropriate consultation and public participation, provided that two-thirds of the Gulf Coast Ecosystem Restoration Council approves the modification or update.

(e) DEFINITION OF ENVIRONMENTAL BANK.—In this section, the term ''environmental bank'' means a project, project increment, or projects for purposes of restoring, creating, enhancing, or preserving natural resources in a designated site to provide for credits to offset adverse environmental impacts.

(f) SAVINGS CLAUSE.—Nothing in this section—

(1) affects the requirements of section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283); or

(2) affects the obligations or requirements of any Federal environmental law.

TITLE II—STUDIES

SEC. 201. AUTHORIZATION OF PROPOSED FEASIBILITY STUDIES.

The Secretary is authorized to conduct a feasibility study for the following projects for water resources development and conservation and other purposes, as identified in the reports titled ''Report to Congress on Future Water Resources Development'' submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress:

(1) OUACHITA-BLACK RIVERS, ARKANSAS AND LOUISIANA.—Project for navigation, Ouachita-Black Rivers, Arkansas and Louisiana.

(2) CACHE CREEK SETTLING BASIN, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Cache Creek Settling Basin, California.

(3) COYOTE VALLEY DAM, CALIFORNIA.—Project for flood damage reduction, environmental restoration, and water supply, Coyote Valley Dam, California.

(4) DEL ROSA CHANNEL, CITY OF SAN BERNARDINO, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Del Rosa Channel, city of San Bernardino, California.

(5) MERCED COUNTY STREAMS, CALIFORNIA.—Project for flood damage reduction, Merced County Streams, California.

(6) MISSION-ZANJA CHANNEL, CITIES OF SAN BERNARDINO AND REDLANDS, CALIFORNIA.—Project for flood damage reduction and ecosystem restoration, Mission-Zanja Channel, cities of San Bernardino and Redlands, California.

(7) SOBOBA INDIAN RESERVATION, CALIFORNIA.—Project for flood damage reduction, Soboba Indian Reservation, California.

(8) INDIAN RIVER INLET, DELAWARE.—Project for hurricane and storm damage reduction, Indian River Inlet, Delaware.

(9) LEWES BEACH, DELAWARE.—Project for hurricane and storm damage reduction, Lewes Beach, Delaware.

(10) MISPILLION COMPLEX, KENT AND SUSSEX COUNTIES, DELAWARE.—Project for hurricane and storm damage reduction, Mispillion Complex, Kent and Sussex Counties, Delaware.

(11) DAYTONA BEACH, FLORIDA.—Project for flood damage reduction, Daytona Beach, Florida.

(12) BRUNSWICK HARBOR, GEORGIA.—Project for navigation, Brunswick Harbor, Georgia.

(13) DUBUQUE, IOWA.—Project for flood damage reduction, Dubuque, Iowa.

(14) ST. TAMMANY PARISH, LOUISIANA.—Project for flood damage reduction and ecosystem restoration, St. Tammany Parish, Louisiana.

(15) CATTARAUGUS CREEK, NEW YORK.—Project for flood damage reduction, Cattaraugus Creek, New York.

(16) CAYUGA INLET, ITHACA, NEW YORK.—Project for navigation and flood damage reduction, Cayuga Inlet, Ithaca, New York.

(17) DELAWARE RIVER BASIN, NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE.—Projects for flood control, Delaware River Basin, New York, New Jersey, Pennsylvania, and Delaware, authorized by section 408 of the Act of July 24, 1946 (60 Stat. 644, chapter 596), and section 203 of the Flood Control Act of 1962 (76 Stat. 1182), to review operations of the projects to enhance opportunities for ecosystem restoration and water supply.

(18) SILVER CREEK, HANOVER, NEW YORK.—Project for flood damage reduction and ecosystem restoration, Silver Creek, Hanover, New York.

(19) TULSA AND WEST TULSA LEVEES, TULSA, OKLAHOMA.—Project for flood damage reduction, Tulsa and West Tulsa Levees, Tulsa, Oklahoma.

(20) STONYCREEK AND LITTLE CONEMAUGH RIVERS, PENNSYLVANIA.—Project for flood damage reduction and recreation, Stonycreek and Little Conemaugh Rivers, Pennsylvania.

(21) TIOGA-HAMMOND LAKE, PENNSYLVANIA.—Project for ecosystem restoration, Tioga-Hammond Lake, Pennsylvania.

(22) BRAZOS RIVER, FORT BEND COUNTY, TEXAS.—Project for flood damage reduction in the vicinity of the Brazos River, Fort Bend County, Texas.

(23) CHACON CREEK, CITY OF LAREDO, TEXAS.—Project for flood damage reduction, ecosystem restoration, and recreation, Chacon Creek, city of Laredo, Texas.

(24) CORPUS CHRISTI SHIP CHANNEL, TEXAS.—Project for navigation, Corpus Christi Ship Channel, Texas.

(25) CITY OF EL PASO, TEXAS.—Project for flood damage reduction, city of El Paso, Texas.

(26) GULF INTRACOASTAL WATERWAY, BRAZORIA AND MATAGORDA COUNTIES, TEXAS.—Project for navigation and hurricane and storm damage reduction, Gulf Intracoastal Waterway, Brazoria and Matagorda Counties, Texas.

(27) PORT OF BAY CITY, TEXAS.—Project for navigation, Port of Bay City, Texas.

(28) CHINCOTEAGUE ISLAND, VIRGINIA.—Project for hurricane and storm damage reduction, navigation, and ecosystem restoration, Chincoteague Island, Virginia.

(29) BURLEY CREEK WATERSHED, KITSAP COUNTY, WASHINGTON.—Project for flood damage reduction and ecosystem restoration, Burley Creek Watershed, Kitsap County, Washington.

SEC. 202. EXPEDITED COMPLETION OF REPORTS FOR CERTAIN PROJECTS.

(a) FEASIBILITY REPORTS.—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona.

(2) Project for flood risk management, Lower San Joaquin River, California. In carrying out the feasibility study for the project, the Secretary shall include Reclamation District 17 as part of the study.

(3) Project for flood risk management and ecosystem restoration, Sacramento River Flood Control System, California.

(4) Project for hurricane and storm damage risk reduction, Ft. Pierce, Florida.

(5) Project for flood risk management, Des Moines and Raccoon Rivers, Iowa.

(6) Project for navigation, Mississippi River Ship Channel, Louisiana.

(7) Project for flood risk management, North Branch Ecorse Creek, Wayne County, Michigan.

(8) Project for flood risk management, Rahway River Basin (Upper Basin), New Jersey.

(9) Project for navigation, Upper Ohio River, Pennsylvania.

(b) POST-AUTHORIZATION CHANGE REPORTS.—The Secretary shall expedite completion of a post-authorization change report for each of the following projects:

(1) Project for flood risk management, Swope Park Industrial Area, Kansas City, Missouri.

(2) Project for hurricane and storm damage risk reduction, New Hanover County, North Carolina.

TITLE III—DEAUTHORIZATIONS AND RELATED PROVISIONS

SEC. 301. DEAUTHORIZATION OF INACTIVE PROJECTS.

(a) PURPOSES.—The purposes of this section are—

(1) to identify $5,000,000,000 in water resources development projects authorized by Congress that are no longer viable for construction due to—

(A) a lack of local support;

(B) a lack of available Federal or non-Federal resources; or

(C) an authorizing purpose that is no longer relevant or feasible;

(2) to create an expedited and definitive process for Congress to deauthorize water resources development projects that are no longer viable for construction; and

(3) to allow the continued authorization of water resources development projects that are viable for construction.

(b) INTERIM DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop an interim deauthorization list that identifies—

(A) each water resources development project, or separable element of a project, authorized for construction before November 8, 2007, for which—

(i) planning, design, or construction was not initiated before the date of enactment of this Act; or

(ii) planning, design, or construction was initiated before the date of enactment of this Act, but for which no funds, Federal or non-Federal, were obligated for planning, design, or construction of the project or separable element of the project during the current fiscal year or any of the 6 preceding fiscal years; and

(B) each project or separable element identified and included on a list to Congress for deauthorization pursuant to section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(2) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governors of each applicable State on the interim deauthorization list developed under paragraph (1).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(3) SUBMISSION TO CONGRESS; PUBLICATION.—Not later than 90 days after the date of the close of the comment period under paragraph (2), the Secretary shall—

(A) submit a revised interim deauthorization list to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the revised interim deauthorization list in the Federal Register.

(c) FINAL DEAUTHORIZATION LIST.—

(1) IN GENERAL.—The Secretary shall develop a final deauthorization list of water resources development projects, or separable elements of projects, from the revised interim deauthorization list described in subsection (b)(3).

(2) DEAUTHORIZATION AMOUNT.—

(A) PROPOSED FINAL LIST.—The Secretary shall prepare a proposed final deauthorization list of projects and separable elements of projects that have, in the aggregate, an estimated Federal cost to complete that is at least $5,000,000,000.

(B) DETERMINATION OF FEDERAL COST TO COMPLETE.—For purposes of subparagraph (A), the Federal cost to complete shall take into account any allowances authorized by section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), as applied to the most recent project schedule and cost estimate.

(3) IDENTIFICATION OF PROJECTS.—

(A) SEQUENCING OF PROJECTS.—

(i) IN GENERAL.—The Secretary shall identify projects and separable elements of projects for inclusion on the proposed final deauthorization list according to the order in which the projects and separable elements of the projects were authorized, beginning with the earliest authorized projects and separable elements of projects and ending with the latest project or separable element of a project necessary to meet the aggregate amount under paragraph (2).

(ii) FACTORS TO CONSIDER.—The Secretary may identify projects and separable elements of projects in an order other than that established by clause (i) if the Secretary determines, on a case-by-case basis, that a project or separable element of a project is critical for interests of the United States, based on the possible impact of the project or separable element of the project on public health and safety, the national economy, or the environment.

(iii) CONSIDERATION OF PUBLIC COMMENTS.—In making determinations under clause (ii), the Secretary shall consider any comments received under subsection (b)(3).

(B) APPENDIX.—The Secretary shall include as part of the proposed final deauthorization list an appendix that—

(i) identifies each project or separable element of a project on the interim deauthorization list developed under subsection (b) that is not included on the proposed final deauthorization list; and

(ii) describes the reasons why the project or separable element is not included on the proposed final list.

(4) PUBLIC COMMENT AND CONSULTATION.—

(A) IN GENERAL.—The Secretary shall solicit comments from the public and the Governor of each applicable State on the proposed final deauthorization list and appendix developed under paragraphs (2) and (3).

(B) COMMENT PERIOD.—The public comment period shall be 90 days.

(5) SUBMISSION OF FINAL LIST TO CONGRESS; PUBLICATION.—Not later than 120 days after the date of the close of the comment period under paragraph (4), the Secretary shall—

(A) submit a final deauthorization list and an appendix to the final deauthorization list in a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) publish the final deauthorization list and the appendix to the final deauthorization list in the Federal Register.

(d) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—

(1) IN GENERAL.—After the expiration of the 180-day period beginning on the date of submission of the final deauthorization list and appendix under subsection (c), a project or separable element of a project identified in the final deauthorization list is hereby deauthorized, unless Congress passes a joint resolution disapproving the final deauthorization list prior to the end of such period.

(2) NON-FEDERAL CONTRIBUTIONS.—

(A) IN GENERAL.—A project or separable element of a project identified in the final deauthorization list under subsection (c) shall not be deauthorized under this subsection if, before the expiration of the 180-day period referred to in paragraph (1), the non-Federal interest for the project or separable element of the project provides sufficient funds to complete the project or separable element of the project.

(B) TREATMENT OF PROJECTS.—Notwithstanding subparagraph (A), each project and separable element of a project identified in the final deauthorization list shall be treated as deauthorized for purposes of the aggregate deauthorization amount specified in subsection (c)(2).

(3) PROJECTS IDENTIFIED IN APPENDIX.—A project or separable element of a project identified in the appendix to the final deauthorization list shall remain subject to future deauthorization by Congress.

(e) SPECIAL RULE FOR PROJECTS RECEIVING FUNDS FOR POST-AUTHORIZATION STUDY.—A project or separable element of a project may not be identified on the interim deauthorization list developed under subsection (b), or the final deauthorization list developed under subsection (c), if the project or separable element received funding for a post-authorization study during the current fiscal year or any of the 6 preceding fiscal years.

(f) GENERAL PROVISIONS.—

(1) DEFINITIONS.—In this section, the following definitions apply:

(A) POST-AUTHORIZATION STUDY.—The term ''post-authorization study'' means—

(i) a feasibility report developed under section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282);

(ii) a feasibility study, as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(iii) a review conducted under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a), including an initial appraisal that—

(I) demonstrates a Federal interest; and

(II) requires additional analysis for the project or separable element.

(B) WATER RESOURCES DEVELOPMENT PROJECT.—The term ''water resources development project'' includes an environmental infrastructure assistance project or program of the Corps of Engineers.

(2) TREATMENT OF PROJECT MODIFICATIONS.—For purposes of this section, if an authorized water resources development project or separable element of the project has been modified by an Act of Congress, the date of the authorization of the project or separable element shall be deemed to be the date of the most recent such modification.

SEC. 302. VALDEZ, ALASKA.

(a) IN GENERAL.—Subject to subsection (b), the portion of the project for navigation, Valdez, Alaska, identified as Tract G, Harbor Subdivision, shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) ENTRY BY FEDERAL GOVERNMENT.—The Federal Government may enter upon the property referred to in subsection (a) to carry out any required operation and maintenance of the general navigation features of the project referred to in subsection (a).

SEC. 303. LOS ANGELES COUNTY DRAINAGE AREA, LOS ANGELES COUNTY, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the Water Control Manuals for control structures in the Los Angeles County Drainage Area, Los Angeles County, California, authorized by section 101(b) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611); and

(2) integrate and incorporate into the project seasonal operations for water conservation and water supply.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. 304. SUTTER BASIN, CALIFORNIA.

(a) IN GENERAL.—The separable element constituting the locally preferred plan increment reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366) is no longer authorized beginning on the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—The deauthorization under subsection (a) does not affect—

(1) the national economic development plan separable element reflected in the report of the Chief of Engineers dated March 12, 2014, and authorized for construction in item 8 of the table contained in section 7002(2) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1366); or

(2) previous authorizations providing for the Sacramento River and major and minor tributaries project, including—

(A) section 2 of the Act of March 1, 1917 (39 Stat. 949, chapter 144);

(B) section 12 of the Act of December 22, 1944 (58 Stat. 900, chapter 665);

(C) section 204 of the Flood Control Act of 1950 (64 Stat. 177, chapter 188); and

(D) any other Acts relating to the authorization for the Sacramento River and major and minor tributaries project along the Feather River right bank between levee stationing 1483+33 and levee stationing 2368+00.

SEC. 305. ESSEX RIVER, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portions of the project for navigation, Essex River, Massachusetts, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), and modified by the Act of March 3, 1899 (30 Stat. 1121, chapter 425), and the Act of March 2, 1907 (34 Stat. 1073, chapter 2509), that do not lie within the areas described in subsection (b) are no longer authorized beginning on the date of enactment of this Act.

(b) DESCRIPTION OF PROJECT AREAS.—The areas described in this subsection are as follows: Beginning at a point N3056139.82 E851780.21, thence southwesterly about 156.88 feet to a point N3055997.75 E851713.67; thence southwesterly about 64.59 feet to a point N3055959.37 E851661.72; thence southwesterly about 145.14 feet to a point N3055887.10 E851535.85; thence southwesterly about 204.91 feet to a point N3055855.12 E851333.45; thence northwesterly

about 423.50 feet to a point N3055976.70 E850927.78; thence northwesterly about 58.77 feet to a point N3056002.99 E850875.21; thence northwesterly about 240.57 feet to a point N3056232.82 E850804.14; thence northwesterly about 203.60 feet to a point N3056435.41 E850783.93; thence northwesterly about 78.63 feet to a point N3056499.63 E850738.56; thence northwesterly about 60.00 feet to a point N3056526.30 E850684.81; thence southwesterly about 85.56 feet to a point N3056523.33 E850599.31; thence southwesterly about 36.20 feet to a point N3056512.37 E850564.81; thence southwesterly about 80.10 feet to a point N3056467.08 E850498.74; thence southwesterly about 169.05 feet to a point N3056334.36 E850394.03; thence northwesterly about 48.52 feet to a point N3056354.38 E850349.83; thence northeasterly about 83.71 feet to a point N3056436.35 E850366.84; thence northeasterly about 212.38 feet to a point N3056548.70 E850547.07; thence northeasterly about 47.60 feet to a point N3056563.12 E850592.43; thence northeasterly about 101.16 feet to a point N3056566.62 E850693.53; thence southeasterly about 80.22 feet to a point N3056530.97 E850765.40; thence southeasterly about 99.29 feet to a point N3056449.88 E850822.69; thence southeasterly about 210.12 feet to a point N3056240.79 E850843.54; thence southeasterly about 219.46 feet to a point N3056031.13 E850908.38; thence southeasterly about 38.23 feet to a point N3056014.02 E850942.57; thence southeasterly about 410.93 feet to a point N3055896.06 E851336.21; thence northeasterly about 188.43 feet to a point N3055925.46 E851522.33; thence northeasterly about 135.47 feet to a point N3055992.91 E851639.80; thence northeasterly about 52.15 feet to a point N3056023.90 E851681.75; thence northeasterly about 91.57 feet to a point N3056106.82 E851720.59.

SEC. 306. PORT OF CASCADE LOCKS, OREGON.

(a) EXTINGUISHMENT OF PORTIONS OF EXISTING FLOWAGE EASEMENT.—With respect to the properties described in subsection (b), beginning on the date of enactment of this Act, the flowage easements described in subsection (c) are extinguished above elevation 82.2 feet (NGVD29), the ordinary high water line.

(b) AFFECTED PROPERTIES.—The properties described in this subsection, as recorded in Hood River County, Oregon, are as follows:

(1) Lots 3, 4, 5, and 7 of the ''Port of Cascade Locks Business Park'' subdivision, Instrument Number 2014–00436.

(2) Parcels 1, 2, and 3 of Hood River County Partition, Plat Number 2008–25P.

(c) FLOWAGE EASEMENTS.—The flowage easements described in this subsection are identified as Tracts 302E–I and 304E–1 on the easement deeds recorded as instruments in Hood River County, Oregon, and described as follows:

(1) A flowage easement dated October 3, 1936, recorded December 1, 1936, book 25, page 531 (Records of Hood River County, Oregon), in favor of the United States (302E–1–Perpetual Flowage Easement from 10/5/37, 10/5/36, and 10/3/36; previously acquired as Tracts OH–36 and OH–41 and a portion of Tract OH–47).

(2) A flowage easement dated October 5, 1936, recorded October 17, 1936, book 25, page 476 (Records of Hood River County, Oregon), in favor of the United States, affecting that portion below the 94-foot contour line above main sea level (304 E1–Perpetual Flowage Easement from 8/10/37 and 10/3/36; previously acquired as Tract OH–042 and a portion of Tract OH–47).

(d) FEDERAL LIABILITIES; CULTURAL, ENVIRONMENTAL, AND OTHER REGULATORY REVIEWS.—

(1) FEDERAL LIABILITY.—The United States shall not be liable for any injury caused by the extinguishment of an easement under this section.

(2) CULTURAL AND ENVIRONMENTAL REGULATORY ACTIONS.—Nothing in this section establishes any cultural or environmental regulation relating to the properties described in subsection (b).

(e) EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers in the properties described in subsection (b).

SEC. 307. CENTRAL DELAWARE RIVER, PHILADELPHIA, PENNSYLVANIA.

(a) AREA TO BE DECLARED NONNAVIGABLE.—Subject to subsection (c), unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that there are substantive objections, those portions of the Delaware River, bounded by the former bulkhead and pierhead lines that were established by the Secretary of War and successors and described as follows, are declared to be nonnavigable waters of the United States:

(1) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61–63, 60, 57, 55, 53, 48, 46, 40, and 38.

(2) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: Piers 24, 25, 27–35, 35.5, 36, 37, 38, 39, 49, 51–52, 53–57, 58–65, 66, 67, 69, 70–72, and Rivercenter.

(b) PUBLIC INTEREST DETERMINATION.—The Secretary shall make the public interest determination under subsection (a) separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion, not later than 150 days after the date of submission of appropriate plans for the proposed project.

(c) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina and recreation facilities. All such work is subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401 and 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 308. HUNTINGDON COUNTY, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall—

(1) prioritize the updating of the Master Plan for the Juniata River and tributaries project, Huntingdon County, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1182); and

(2) ensure that alternatives for additional recreation access and development at the project are fully assessed, evaluated, and incorporated as a part of the update.

(b) PARTICIPATION.—The update referred to in subsection (a) shall be done in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. 309. RIVERCENTER, PHILADELPHIA, PENNSYLVANIA.

Section 38(c) of the Water Resources Development Act of 1988 (33 U.S.C. 59j–1(c)) is amended—

(1) by striking ''(except 30 years from such date of enactment, in the case of the area or any part thereof described in subsection (a)(5))''; and

(2) by adding at the end the following: ''Notwithstanding the preceding sentence, the declaration of nonnavigability for the area described in subsection (a)(5), or any part thereof, shall not expire.''.

SEC. 310. JOE POOL LAKE, TEXAS.

The Secretary shall accept from the Trinity River Authority of Texas, if received by September 30, 2016, $31,233,401 as payment in full of amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake), for which payment has not commenced under Article 5.a. (relating to project investment costs) of contract number DACW63–76–C–0106, as of the date of enactment of this Act.

SEC. 311. SALT CREEK, GRAHAM, TEXAS.

(a) IN GENERAL.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 278), is no longer authorized as a Federal project beginning on the date of enactment of this Act.

(b) CERTAIN PROJECT-RELATED CLAIMS.—The non-Federal interest for the project shall hold and save the United States harmless from any claim that has arisen, or that may arise, in connection with the project.

(c) TRANSFER.—The Secretary is authorized to transfer any land acquired by the Federal Government for the project on behalf of the non-Federal interest that remains in Federal ownership on or after the date of enactment of this Act to the non-Federal interest.

(d) REVERSION.—If the Secretary determines that land transferred under subsection (c) ceases to be owned by the public, all right, title, and interest in and to the land and improvements thereon shall revert, at the discretion of the Secretary, to the United States.

SEC. 312. TEXAS CITY SHIP CHANNEL, TEXAS CITY, TEXAS.

(a) IN GENERAL.—The portion of the Texas City Ship Channel, Texas City, Texas, described in subsection (b) shall not be subject to navigational servitude beginning on the date of enactment of this Act.

(b) DESCRIPTION.—The portion of the Texas City Ship Channel described in this subsection is a tract or parcel containing 393.53 acres (17,142,111 square feet) of land situated in the City of Texas City Survey, Abstract Number 681, and State of Texas Submerged Lands Tracts 98A and 99A, Galveston County, Texas, said 393.53 acre tract being more particularly described as follows:

(1) Beginning at the intersection of an edge of fill along Galveston Bay with the most northerly east survey line of said City of Texas City Survey, Abstract No. 681, the same being a called 375.75 acre tract patented by the State of Texas to the City of Texas City and recorded in Volume 1941, Page 750 of the Galveston County Deed Records (G.C.D.R.), from which a found U.S. Army Corps of Engineers Brass Cap stamped ''R 4–3'' set in the top of the Texas City Dike along the east side of Bay Street bears North 56° 14′ 32″ West, a distance of 6,045.31 feet and from which a found U.S. Army Corps of Engineers Brass Cap stamped ''R 4–2'' set in the top of the Texas City Dike along the east side of Bay Street bears North 49° 13′ 20″ West, a distance of 6,693.64 feet.

(2) Thence, over and across said State Tracts 98A and 99A and along the edge of fill along said Galveston Bay, the following eight (8) courses and distances:

(A) South 75° 49′ 13″ East, a distance of 298.08 feet to an angle point of the tract herein described.

(B) South 81° 16′ 26″ East, a distance of 170.58 feet to an angle point of the tract herein described.

(C) South 79° 20′ 31″ East, a distance of 802.34 feet to an angle point of the tract herein described.

(D) South 75° 57′ 32″ East, a distance of 869.68 feet to a point for the beginning of a non-tangent curve to the right.

(E) Easterly along said non-tangent curve to the right having a radius of 736.80 feet, a central angle of 24° 55′ 59″, a chord of South 68° 47′

35″ East – 318.10 feet, and an arc length of 320.63 feet to a point for the beginning of a non-tangent curve to the left.

(F) Easterly along said non-tangent curve to the left having a radius of 373.30 feet, a central angle of 31° 57′ 42″, a chord of South 66° 10′ 42″ East – 205.55 feet, and an arc length of 208.24 feet to a point for the beginning of a non-tangent curve to the right.

(G) Easterly along said non-tangent curve to the right having a radius of 15,450.89 feet, a central angle of 02° 04′ 10″, a chord of South 81° 56′ 20″ East – 558.04 feet, and an arc length of 558.07 feet to a point for the beginning of a compound curve to the right and the northeasterly corner of the tract herein described.

(H) Southerly along said compound curve to the right and the easterly line of the tract herein described, having a radius of 1,425.00 feet, a central angle of 133° 08′ 00″, a chord of South 14° 20′ 15″ East – 2,614.94 feet, and an arc length of 3,311.15 feet to a point on a line lying 125.00 feet northerly of and parallel with the centerline of an existing levee for the southeasterly corner of the tract herein described.

(3) Thence, continuing over and across said State Tracts 98A and 99A and along lines lying 125.00 feet northerly of, parallel, and concentric with the centerline of said existing levee, the following twelve (12) courses and distances:

(A) North 78° 01′ 58″ West, a distance of 840.90 feet to an angle point of the tract herein described.

(B) North 76° 58′ 35″ West, a distance of 976.66 feet to an angle point of the tract herein described.

(C) North 76° 44′ 33″ West, a distance of 1,757.03 feet to a point for the beginning of a tangent curve to the left.

(D) Southwesterly, along said tangent curve to the left having a radius of 185.00 feet, a central angle of 82° 27′ 32″, a chord of South 62° 01′ 41″ West – 243.86 feet, and an arc length of 266.25 feet to a point for the beginning of a compound curve to the left.

(E) Southerly, along said compound curve to the left having a radius of 4,535.58 feet, a central angle of 11° 06′ 58″, a chord of South 15° 14′ 26″ West – 878.59 feet, and an arc length of 879.97 feet to an angle point of the tract herein described.

(F) South 64° 37′ 11″ West, a distance of 146.03 feet to an angle point of the tract herein described.

(G) South 67° 08′ 21″ West, a distance of 194.42 feet to an angle point of the tract herein described.

(H) North 34° 48′ 22″ West, a distance of 789.69 feet to an angle point of the tract herein described.

(I) South 42° 47′ 10″ West, a distance of 161.01 feet to an angle point of the tract herein described.

(J) South 42° 47′ 10″ West, a distance of 144.66 feet to a point for the beginning of a tangent curve to the right.

(K) Westerly, along said tangent curve to the right having a radius of 310.00 feet, a central angle of 59° 50′ 28″, a chord of South 72° 42′ 24″ West – 309.26 feet, and an arc length of 323.77 feet to an angle point of the tract herein described.

(L) North 77° 22′ 21″ West, a distance of 591.41 feet to the intersection of said parallel line with the edge of fill adjacent to the easterly edge of the Texas City Turning Basin for the southwesterly corner of the tract herein described, from which a found U.S. Army Corps of Engineers Brass Cap stamped ''SWAN 2'' set in the top of a concrete column set flush in the ground along the north bank of Swan Lake bears South 20° 51′ 58″ West, a distance of 4,862.67 feet.

(4) Thence, over and across said City of Texas City Survey and along the edge of fill adjacent to the easterly edge of said Texas City Turning Basin, the following eighteen (18) courses and distances:

(A) North 01° 34′ 19″ East, a distance of 57.40 feet to an angle point of the tract herein described.

(B) North 05° 02′ 13″ West, a distance of 161.85 feet to an angle point of the tract herein described.

(C) North 06° 01′ 56″ East, a distance of 297.75 feet to an angle point of the tract herein described.

(D) North 06° 18′ 07″ West, a distance of 71.33 feet to an angle point of the tract herein described.

(E) North 07° 21′ 09″ West, a distance of 122.45 feet to an angle point of the tract herein described.

(F) North 26° 41′ 15″ West, a distance of 46.02 feet to an angle point of the tract herein described.

(G) North 01° 31′ 59″ West, a distance of 219.78 feet to an angle point of the tract herein described.

(H) North 15° 54′ 07″ West, a distance of 104.89 feet to an angle point of the tract herein described.

(I) North 04° 00′ 34″ East, a distance of 72.94 feet to an angle point of the tract herein described.

(J) North 06° 46′ 38″ West, a distance of 78.89 feet to an angle point of the tract herein described.

(K) North 12° 07′ 59″ West, a distance of 182.79 feet to an angle point of the tract herein described.

(L) North 20° 50′ 47″ West, a distance of 105.74 feet to an angle point of the tract herein described.

(M) North 02° 02′ 04″ West, a distance of 184.50 feet to an angle point of the tract herein described.

(N) North 08° 07′ 11″ East, a distance of 102.23 feet to an angle point of the tract herein described.

(O) North 08° 16′ 00″ West, a distance of 213.45 feet to an angle point of the tract herein described.

(P) North 03° 15′ 16″ West, a distance of 336.45 feet to a point for the beginning of a non-tangent curve to the left.

(Q) Northerly along said non-tangent curve to the left having a radius of 896.08 feet, a central angle of 14° 00′ 05″, a chord of North 09° 36′ 03″ West – 218.43 feet, and an arc length of 218.97 feet to a point for the beginning of a non-tangent curve to the right.

(R) Northerly along said non-tangent curve to the right having a radius of 483.33 feet, a central angle of 19° 13′ 34″, a chord of North 13° 52′ 03″ East – 161.43 feet, and an arc length of 162.18 feet to a point for the northwesterly corner of the tract herein described.

(5) Thence, continuing over and across said City of Texas City Survey, and along the edge of fill along said Galveston Bay, the following fifteen (15) courses and distances:

(A) North 30° 45′ 02″ East, a distance of 189.03 feet to an angle point of the tract herein described.

(B) North 34° 20′ 49″ East, a distance of 174.16 feet to a point for the beginning of a non-tangent curve to the right.

(C) Northeasterly along said non-tangent curve to the right having a radius of 202.01 feet, a central angle of 25° 53′ 37″, a chord of North 33° 14′ 58″ East – 90.52 feet, and an arc length of 91.29 feet to a point for the beginning of a non-tangent curve to the left.

(D) Northeasterly along said non-tangent curve to the left having a radius of 463.30 feet, a central angle of 23° 23′ 57″, a chord of North 48° 02′ 53″ East – 187.90 feet, and an arc length of 189.21 feet to a point for the beginning of a non-tangent curve to the right.

(E) Northeasterly along said non-tangent curve to the right having a radius of 768.99 feet, a central angle of 16° 24′ 19″, a chord of North 43° 01′ 40″ East – 219.43 feet, and an arc length of 220.18 feet to an angle point of the tract herein described.

(F) North 38° 56′ 50″ East, a distance of 126.41 feet to an angle point of the tract herein described.

(G) North 42° 59′ 50″ East, a distance of 128.28 feet to a point for the beginning of a non-tangent curve to the right.

(H) Northerly along said non-tangent curve to the right having a radius of 151.96 feet, a central angle of 68° 36′ 31″, a chord of North 57° 59′ 42″ East – 171.29 feet, and an arc length of 181.96 feet to a point for the most northerly corner of the tract herein described.

(I) South 77° 14′ 49″ East, a distance of 131.60 feet to an angle point of the tract herein described.

(J) South 84° 44′ 18″ East, a distance of 86.58 feet to an angle point of the tract herein described.

(K) South 58° 14′ 45″ East, a distance of 69.62 feet to an angle point of the tract herein described.

(L) South 49° 44′ 51″ East, a distance of 149.00 feet to an angle point of the tract herein described.

(M) South 44° 47′ 21″ East, a distance of 353.77 feet to a point for the beginning of a non-tangent curve to the left.

(N) Easterly along said non-tangent curve to the left having a radius of 253.99 feet, a central angle of 98° 53′ 23″, a chord of South 83° 28′ 51″ East – 385.96 feet, and an arc length of 438.38 feet to an angle point of the tract herein described.

(O) South 75° 49′ 13″ East, a distance of 321.52 feet to the point of beginning and containing 393.53 acres (17,142,111 square feet) of land.

TITLE IV—WATER RESOURCES INFRASTRUCTURE

SEC. 401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled ''Report to Congress on Future Water Resources Development'' submitted to Congress on January 29, 2015, and January 29, 2016, respectively, pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) NAVIGATION.—

A. State	*B. Name*	*C. Date of Report of Chief of Engineers*	*D. Estimated Costs*
1. TX	*Brazos Island Harbor*	*Nov. 3, 2014*	*Federal: $116,116,000* *Non-Federal: $88,471,000* *Total: $204,587,000*

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: $16,700,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: $15,580,000 Non-Federal: $5,190,000 Total: $20,770,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: $220,200,000 Non-Federal: $102,500,000 Total: $322,700,000
5. AK	Little Diomede Harbor	Aug. 10, 2015	Federal: $26,015,000 Non-Federal: $2,945,000 Total: $28,960,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: $224,300,000 Non-Federal: $269,000,000 Total: $493,300,000
7. AK	Craig Harbor	March 16, 2016	Federal: $29,062,000 Non-Federal: $3,255,000 Total: $32,317,000.

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Leon Creek Watershed	Jun. 30, 2014	Federal: $18,314,000 Non-Federal: $9,861,000 Total: $28,175,000
2. MO, KS	Armourdale and Central Industrial District Levee Units, Missouri River and Tributaries at Kansas Citys	Jan. 27, 2015	Federal: $207,036,000 Non-Federal: $111,481,000 Total: $318,517,000
3. KS	City of Manhattan	Apr. 30, 2015	Federal: $15,440,100 Non-Federal: $8,313,900 Total: $23,754,000
4. TN	Mill Creek	Oct. 16, 2015	Federal: $17,759,000 Non-Federal: $10,745,000 Total: $28,504,000
5. KS	Upper Turkey Creek Basin	Dec. 22, 2015	Federal: $24,584,000 Non-Federal: $13,238,000 Total: $37,822,000
6. NC	Princeville	Feb. 23, 2016	Federal: $14,001,000 Non-Federal: $7,539,000 Total: $21,540,000
7. CA	American River Common Features	Apr. 26, 2016	Federal: $876,478,000 Non-Federal: $689,272,000 Total: $1,565,750,000
8. CA	West Sacramento	Apr. 26, 2016	Federal: $776,517,000 Non-Federal: $414,011,000 Total: $1,190,528,000.

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
1. SC	Colleton County	Sep. 5, 2014	Initial Federal: $13,733,850 Initial Non-Federal: $7,395,150 Initial Total: $21,129,000 Renourishment Federal: $16,371,000 Renourishment Non-Federal: $16,371,000 Renourishment Total: $32,742,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Initial Costs and Estimated Renourishment Costs
2. FL	Flagler County	Dec. 23, 2014	Initial Federal: $9,218,300 Initial Non-Federal: $4,963,700 Initial Total: $14,182,000 Renourishment Federal: $15,390,000 Renourishment Non-Federal: $15,390,000 Renourishment Total: $30,780,000
3. NC	Carteret County	Dec. 23, 2014	Initial Federal: $24,263,000 Initial Non-Federal: $13,064,000 Initial Total: $37,327,000 Renourishment Federal: $114,728,000 Renourishment Non-Federal: $114,728,000 Renourishment Total: $229,456,000
4. NJ	Hereford Inlet to Cape May Inlet, Cape May County	Jan. 23, 2015	Initial Federal: $14,040,000 Initial Non-Federal: $7,560,000 Initial Total: $21,600,000 Renourishment Federal: $41,215,000 Renourishment Non-Federal: $41,215,000 Renourishment Total: $82,430,000
5. LA	West Shore Lake Pontchartrain	Jun. 12, 2015	Federal: $466,760,000 Non-Federal: $251,330,000 Total: $718,090,000
6. CA	San Diego County	Apr. 26, 2016	Initial Federal: $20,166,000 Initial Non-Federal: $10,858,000 Initial Total: $31,024,000 Renourishment Federal: $68,215,000 Renourishment Non-Federal: $68,215,000 Renourishment Total: $136,430,000.

(4) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades	Dec. 23, 2014	Federal: $976,375,000 Non-Federal: $974,625,000 Total: $1,951,000,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: $12,782,000 Non-Federal: $6,882,000 Total: $19,664,000.

(5) FLOOD RISK MANAGEMENT AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. IL, WI	Upper Des Plaines River and Tributaries	Jun. 8, 2015	Federal: $199,393,000 Non-Federal: $107,694,000 Total: $307,087,000.

(6) FLOOD RISK MANAGEMENT, ECOSYSTEM RESTORATION, AND RECREATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	South San Francisco Bay Shoreline	Dec. 18, 2015	Federal: $69,521,000 Non-Federal: $104,379,000 Total: $173,900,000.

(7) ECOSYSTEM RESTORATION AND RECREATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. OR	Willamette River	Dec. 14, 2015	Federal: $19,143,000 Non-Federal: $10,631,000 Total: $29,774,000
2. CA	Los Angeles River	Dec. 18, 2015	Federal: $375,773,000 Non-Federal: $980,835,000 Total: $1,356,608,000.

(8) DEAUTHORIZATIONS, MODIFICATIONS, AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. TX	Upper Trinity River	May 21, 2008	Federal: $526,500,000 Non-Federal: $283,500,000 Total: $810,000,000
2. KY	Green River Locks and Dams 3, 4, 5, 6 and Barren River Lock and Dam 1 Disposition	Apr. 30, 2015	Federal: $0 Non-Federal: $0 Total: $0
3. KS	Turkey Creek Basin	May 13, 2016	Federal: $97,067,750 Non-Federal: $55,465,250 Total: $152,533,000
4. KY	Ohio River Shoreline	May 13, 2016	Federal: $20,309,900 Non-Federal: $10,936,100 Total: $31,246,000.
5. MO	Blue River Basin	May 13, 2016	Federal: $34,860,000 Non-Federal: $11,620,000 Total: $46,480,000

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 114–790. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–790.

Mr. SHUSTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, strike lines 1 through 8.

Page 11, line 14, strike ''and'' at the end.

Page 11, line 16, strike the period at the end and insert ''; and''.

Page 11, after line 16, insert the following:

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

Page 69, after line 17, insert the following:

SEC. ___. COST SHARE REQUIREMENT.

The Secretary shall carry out the project for ecosystem restoration and recreation, Los Angeles River, California, as authorized by this Act, substantially in accordance with the terms and conditions described in the Report of the Chief of Engineers, dated December 18, 2015, including, notwithstanding section 2008(c) of the Water Resources Development Act of 2007 (121 Stat. 1074), the recommended cost sharing.

SEC. ___. PUBLIC ACCESS.

(a) RECREATIONAL ACCESS PERMITTED.—The Board of Directors of the Tennessee Valley Authority may approve and allow the construction and use of a floating cabin on waters under the jurisdiction of the Tennessee Valley Authority if—

(1) the floating cabin is maintained by the owner to reasonable health, safety, and environmental standards, as required by the Board of Directors; and

(2) the Tennessee Valley Authority has authorized the use of recreational vessels on such waters.

(b) FEES.—The Board of Directors may levy fees on the owner of a floating cabin on waters under the jurisdiction of the Tennessee Valley Authority for purposes of ensuring compliance with subsection (a), so long as such fees are necessary and reasonable for such purposes.

(c) CONTINUED RECREATIONAL USE.—With respect to a floating cabin located on waters under the jurisdiction of the Tennessee Valley Authority on the date of enactment of this Act, the Board of Directors—

(1) may not require the removal of such floating cabin—

(A) in the case of a floating cabin that was granted a permit by the Tennessee Valley Authority before the date of enactment of this Act, for a period of 15 years beginning on such date; and

(B) in the case of a floating cabin not granted a permit by the Tennessee Valley Authority before the date of enactment of this Act, for a period of 5 years beginning on such date; and

(2) shall approve and allow the use of the floating cabin on waters under the jurisdiction of the Tennessee Valley Authority at such time, and for such duration, as the floating cabin meets the requirements of subsection (a) and the owner of such cabin has paid any fee levied pursuant to subsection (b).

(d) NEW CONSTRUCTION.—The Tennessee Valley Authority may establish regulations to prevent the construction of new floating cabins.

(e) FLOATING CABIN DEFINED.—In this section, the term ''floating cabin'' means every description of watercraft or other floating structure primarily designed and used for human habitation or occupation and not primarily designed or used for navigation or transportation on water.

(f) SAVINGS PROVISION.—Nothing in this section restricts the ability of the Tennessee Valley Authority to enforce reasonable health, safety, or environmental standards.

SEC. ___. TRIBAL DISPLACEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study related to any remaining Federal obligations to Indian people displaced by the construction of the Bonneville Dam, the Dalles Dam, or the John Day Dam on the Columbia River in Oregon and Washington.

(b) FACTORS.—The study shall include—

(1) a determination as to the number and location of Indian people displaced by the construction of the Bonneville Dam, the Dalles Dam, or the John Day Dam;

(2) a determination of the amounts and types of assistance provided by the Federal Government to Indian people displaced by the construction of such dams to the present; and

(3) a determination of whether and how much assistance is necessary to meet any remaining Federal obligations to compensate Indian people displaced by the construction of such dams.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. ___. DROUGHT EMERGENCIES.

(a) AUTHORIZED ACTIVITIES.—With respect to a State in which a drought emergency is in effect on the date of enactment of this Act, or was in effect at any time during the 1-year period ending on such date of enactment, and upon the request of the Governor of the State, the Secretary is authorized to—

(1) prioritize the updating of the water control manuals for control structures under the jurisdiction of the Secretary that are located in the State; and

(2) incorporate into the update seasonal operations for water conservation and water supply for such control structures.

(b) COORDINATION.—The Secretary shall carry out the update under subsection (a) in coordination with all appropriate Federal agencies, elected officials, and members of the public.

SEC. ___. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an analysis of the President's budget requests for the Corps of Engineers Civil Works Program for each of fiscal years 2008 through 2017.

(b) CONSIDERATIONS.—The analysis to be submitted under subsection (a) shall evaluate—

(1) the extent to which there is geographic diversity among the projects included in such budget requests; and

(2) whether the methodologies used by the Corps of Engineers to calculate benefit-cost ratios for projects impact the geographic diversity of projects included in such budget requests.

Page 75, strike lines 9 and 10.

Page 75, strike lines 14 and 15 and insert the following:

(1) Project for flood damage reduction and environmental restoration, Hamilton City, California.

Page 75, line 23, strike ''$5,000,000,000'' and insert ''$10,000,000,000''.

Page 78, line 17, strike ''$5,000,000,000'' and insert ''$10,000,000,000''.

Page 92, after line 25, insert the following:

(c) INVENTORY.—In carrying out the update under subsection (a), the Secretary shall include an inventory of those lands that are not necessary to carry out the authorized purposes of the project.

Page 93, lines 14 and 15, strike ''September 30, 2016, $31,233,401'' and insert ''December 31, 2016, $31,344,841.65''.

Page 106, strike line 6 and all that follows before line 7 and insert the following:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Brazos Island Harbor	Nov. 3, 2014	Federal: $116,116,000 Non-Federal: $88,471,000 Total: $204,587,000
2. LA	Calcasieu Lock	Dec. 2, 2014	Total: $16,700,000 (to be derived ½ from the general fund of the Treasury and ½ from the Inland Waterways Trust Fund)
3. NH, ME	Portsmouth Harbor and Piscataqua River	Feb. 8, 2015	Federal: $15,580,000 Non-Federal: $5,190,000 Total: $20,770,000
4. FL	Port Everglades	Jun. 25, 2015	Federal: $220,200,000 Non-Federal: $102,500,000 Total: $322,700,000
5. AK	Little Diomede Harbor	Aug. 10, 2015	Federal: $26,015,000 Non-Federal: $2,945,000 Total: $28,960,000
6. SC	Charleston Harbor	Sep. 8, 2015	Federal: $224,300,000 Non-Federal: $269,000,000 Total: $493,300,000
7. AK	Craig Harbor	Mar. 16, 2016	Federal: $29,062,000 Non-Federal: $3,255,000 Total: $32,317,000
8. PA	Upper Ohio	Sep. 12, 2016	Federal: $1,324,235,500 Non-Federal: $1,324,235,500 Total: $2,648,471,000

Page 109, strike line 1 and all that follows before line 2 and insert the following:

(4) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. FL	Central Everglades	Dec. 23, 2014	Federal: $976,375,000 Non-Federal: $974,625,000 Total: $1,951,000,000
2. WA	Skokomish River	Dec. 14, 2015	Federal: $12,782,000 Non-Federal: $6,882,000 Total: $19,664,000
3. WA	Puget Sound	Sep. 16, 2016	Federal: $293,558,000 Non-Federal: $158,069,000 Total: $451,627,000

Page 110, before line 3, insert the following:

(8) HURRICANE AND STORM DAMAGE RISK REDUCTION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. LA	Southwest Coastal Louisiana	Jul. 29, 2016	Federal: $2,011,280,000 Non-Federal: $1,082,997,000 Total: $3,094,277,000

Page 110, strike line 3 and all that follows through the end of the table following line 4 and insert the following:

(9) DEAUTHORIZATIONS, MODIFICATIONS, AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. TX	Upper Trinity River	May 21, 2008	Federal: $526,500,000 Non-Federal: $283,500,000 Total: $810,000,000
2. KY	Green River Locks and Dams 3, 4, 5, 6 and Barren River Lock and Dam 1 Disposition	Apr. 30, 2015	Federal: $0 Non-Federal: $0 Total: $0
3. KS, MO	Turkey Creek Basin	May 13, 2016	Federal: $97,067,750 Non-Federal: $55,465,250 Total: $152,533,000
4. KY	Ohio River Shoreline	May 13, 2016	Federal: $20,309,900 Non-Federal: $10,936,100 Total: $31,246,000
5. MO	Blue River Basin	May 13, 2016	Federal: $34,860,000 Non-Federal: $11,620,000 Total: $46,480,000
6. FL	Picayune Strand	Jul. 15, 2016	Federal: $308,983,500 Non-Federal: $308,983,500 Total: $617,967,000
7. MO	Swope Park Industrial Area, Blue River	Jul. 15, 2016	Federal: $20,205,250 Non-Federal: $10,879,750 Total: $31,085,000

The CHAIR. Pursuant to House Resolution 892, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

The manager's amendment that I am offering makes technical and conforming changes to the Rules Committee print. Specifically, this amendment includes a provision to ensure homeowners can assess their property on TVA lakes.

This amendment includes a provision that ensures the appropriate cost share is carried out for the Los Angeles River chief's report we are authorizing in this bill specifically at the request of my colleagues on the other side of the aisle.

It also has a provision to have the Government Accountability Office carry out a study to determine what Federal obligations are required for tribal property affected by the construction of several dams on the Columbia River in Washington and Oregon.

It requires and expedites revisions to water control manuals in States in which drought has occurred in the last year.

Lastly, this amendment contains three chief's reports and two post-authorization change reports that have been delivered to Congress since the Committee on Transportation and Infrastructure marked up the bill in May 2016.

I urge all Members to support my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. LAWRENCE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114–790.

Mrs. LAWRENCE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 7, strike '', or that'' and insert ''or gross negligence, or that''.

The CHAIR. Pursuant to House Resolution 892, the gentlewoman from Michigan (Mrs. LAWRENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. LAWRENCE. Mr. Chairman, I yield myself such time as I may consume.

My amendment would insert gross negligence as a reason for the Secretary of the Army to accept and implement non-Federal funding to repair, restore, or replace faulty equipment.

According to the Cornell Law Dictionary, ''gross negligence'' is defined as a lack of care that demonstrates reckless disregard for the safety or lives of others.

I believe what happened in Flint, Michigan, is a good example of another reason that projects could require additional funding—gross negligence, gross negligence by individuals entrusted by the public to maintain and uphold the proper functioning of water programs.

Mr. Chairman, the tragedy that happened in my home State of Michigan, in Flint, where thousands of innocent citizens were poisoned by the negligence of the people they trusted to supply them with clean water shows the importance of this amendment.

Our primary responsibility as Members of Congress is to advocate for the best interest of our constituents. How can we say we are doing that when an entire city is suffering from the negligence of public figures who made bad decisions?

Residents and individuals affected by an emergency should not be penalized for negligent actions taken by those expected to do what is best for them. Moving forward, the careless actions of a few individuals should never result in

the public being endangered as a result of the Federal Government being unable to assist.

This amendment would ensure that the Secretary of the Army could quickly and efficiently use resources provided by non-Federal entities to assist in the maintenance of a defective project. This amendment would ensure just that. Gross negligence should never prevent citizens from receiving the funding necessary during their time of need.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

The CHAIR. The amendment is withdrawn.

AMENDMENT NO. 3 OFFERED BY MR. BABIN

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–790.

Mr. BABIN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. WORK DEFINED.

Section 14 of the Act of March 3, 1899 (30 Stat. 1152, chapter 425; 33 U.S.C. 408), is amended—

(1) by striking ''It shall not be lawful'' and inserting the following:

''(a) IN GENERAL.—It shall not be lawful''; and

(2) by adding at the end the following:

''(b) WORK DEFINED.—

''(1) IN GENERAL.—In this section, the term 'work' means engineered structures that serve a particular function.

''(2) INCLUSIONS.—In this section, the term 'work' includes only structures of like kind with those identified in subsection (a).

''(3) EXCLUSIONS.—In this section, the term 'work' does not include—

''(A) the river channel as such, whether or not dredging is necessary to maintain navigational depths;

''(B) unimproved real estate; or

''(C) a particular feature or structure merely because the feature or structure is present within a Federal project.''.

The CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, I rise to offer this amendment to direct the Corps of Engineers to focus on the tasks that it can do, and should do, when it comes to section 408 reviews.

The Rivers and Harbors Act of 1899, enacted in the final days of the 55th Congress, first established the process we know today as a section 408 review, which I have here in my hand. The provision was intended to protect engineered structures built by the Corps that serve particular functions, such as seawalls, dikes, levees, and piers, by requiring the Corps of Engineers to authorize any requests for substantial work on these and similar assets.

Over time, however, the Corps has expanded its regulatory authority far beyond the scope of that statute. Specifically, the Corps now requires a review of any proposal for a physical modification or structure that touches a Corps project, even if it has no bearing at all on navigation or flood control. This has resulted in an overlay of additional administrative procedures, delays, and unnecessary costs.

In my district, at the Port of Houston, the Corps of Engineers is currently requiring users to go through the section 408 process, in addition to regulatory and real estate protocols, for access to dredge material placement sites. In plain English, this means that, for a small business to fill up a dump truck full of muck excavated from the bottom of a ship channel and carry it off somewhere else, they have to fully comply with the same section 408 review that would affect the 10-mile-long Galveston Seawall.

These projects, which have no direct impact on the Corps' structures, are undertaken by private users, including many small businesses from the area who are investing in their facilities, expanding commerce and exports, and providing jobs and economic benefits to our State and the Nation.

The additional time and cost as a result of an unnecessary 408 process, which is borne entirely by private entities or non-Federal partners, delays and increases the cost of these critical projects.

My amendment reinforces the original intent of the Rivers and Harbors Act by focusing the Corps on actual navigation and flood control assets, allowing them to devote their full attention and resources to important safety evaluations and the expedited review and execution of project modification requests.

Mr. Chairman, since 1775, the Army Corps of Engineers has performed critical work, ensuring the safety and reliability of America's ports and harbors. My amendment supports their mission and the good work they do by focusing their resources and attention where it belongs.

I urge a ''yes'' vote.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, section 408 authorizes the Secretary of the Army to grant permission for the alteration of the Corps project if the Secretary determines that the proposed alteration would not harm the public interest or impair the usefulness of the project.

I think it is good that we know that proposed modifications do not impair the usefulness of the project or harm the public interest.

□ 1800

Now, I share some of the concerns the gentleman has raised. The Corps is woefully slow in going through these approvals. I have one pending in my own district; and, basically, they say there is not enough money in our budget, which was discussed rather exhaustively at the beginning here.

We could help the Corps out if we had a real harbor maintenance trust fund and if we were using the taxpayers' dollars for the purposes for which they were intended, which would take the pressure off of all parts of the Corps' budget. The Corps does have authority to accept—and I would hope the Corps would be listening to this—local contributions to speed up, with contractors or others or over time with their own employees, 408 projects. They have been loath to use that authority. They should use it.

I am not certain of the implications of this amendment as to whether it truly does protect the integrity of some of these critical projects, so that causes me concern. I think that this is worthy of attention, but in its current form, I am not quite certain of the impact.

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

Mr. BABIN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I believe this is a good amendment. I support it. This amendment sets guidelines for the scope of work under the section 408 process, which has been misinterpreted by the Corps of Engineers. It takes years for this to be approved.

Mr. DEFAZIO just stood up and said he hopes the Corps is listening. I hope it is listening, too, but too many times they just don't listen to us. They don't take the direction that the Congress puts in front of them. They stonewall and drag their feet. Mr. BABIN's amendment clarifies this, and I believe it is a good government reform amendment.

I thank the gentleman for offering it, and I urge all Members to support it.

Mr. BABIN. How much time do I have remaining, Mr. Chairman?

The Acting CHAIR (Mr. CARTER of Georgia). The gentleman from Texas has 2 minutes remaining.

Mr. BABIN. Mr. Chairman, I want to say, for a private business entity to get muck off the bottom of a slip or a channel's having to go through this, this is what this is all about.

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

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. BABIN. Mr. Chairman, I urge the passage of my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BABIN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114–790.

Mr. BABIN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. AUTHORIZATION OF FEDERALLY MAINTAINED TRIBUTARY CHANNELS AS PART OF CHANNEL SYSTEM.

A project that has been assumed for maintenance by the Secretary under any authority granted by Congress shall—

(1) be treated as a project authorized by Congress; and

(2) be planned, operated, managed, or modified in a manner consistent with authorized projects.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, one of the great honors I have here in Congress is to represent four great ports—Orange, Beaumont, Cedar Bayou, and the biggest port in Texas and one of the largest in the world: the Port of Houston.

When America's astronauts who serve in space look out of their windows down at Houston, it is probably hard for them to make out their home away from home at Johnson Space Center; but what they can't miss is the scale and the strategic importance of the Port of Houston, which is right down the road from Johnson Space Center.

The Greater Houston area is the energy production and chemical manufacturing capital of the world, and the Port of Houston's ability to ship those goods is directly responsible for billions of dollars in economic activity and for hundreds of thousands of good-paying jobs in our State and across the country; but like the city of Houston itself, not all of the port's important channels, tributaries, and other navigation assets that fall under the purview of the Corps of Engineers are within the footprint of what was originally authorized by Congress.

Instead, many of these channels have been assumed for maintenance by the Corps of Engineers over the years. Each one has met the requirements of being environmentally acceptable, economically justified, and constructed in accordance with Federal permits and appropriate engineering and design standards.

This, in itself, is not a bad thing. In many cases, the construction or modification of the channels by non-Federal users has reduced the overall Federal cost and has provided for national economic benefits well before a Federal project could be accomplished. The downside is that channels which have been assumed for maintenance are not considered authorized projects. Therefore, while those channels are just as important as a federally constructed project, a channel which has been assumed for maintenance is treated quite differently from an authorized project right next to it, which can disrupt the upkeep and the operations of both.

At this point, I will read from a letter that was sent to my office by the Port of Houston that describes how this issue came to its attention and why the passage of this amendment is so essential not only for our region, but for every port in this country.

''The Corps had long identified a navigation safety problem at the intersection of the Houston Ship Channel (HSC) and Bayport channel (the 'Bayport Flare') caused by its design and construction of the HSC, and promised to properly correct the safety deficiency. However, the Corps discovered that while it could construct the part of the corrective work which lay within the boundaries of the Houston Ship Channel, it could not construct the second part of the solution within the Bayport ship channel because the Bayport channel was not considered 'authorized' by Congress, but only assumed for maintenance after construction. . . . The Corps agreed that the Bayport assumption of maintenance was conducted in accordance with laws providing authority to the Secretary of the Army to accept qualifying work, and that PHA met all design, environmental, and economic requirements of a channel as if it were designed and constructed by the Corps. The Bayport Flare deficiency exposed a serious shortcoming, whereby the federal government was unable to make a necessary navigation safety correction resulting from a deficient federal design because it could only fix what it has physically constructed—and not within channels it had managed and operated for decades.''

I include in the RECORD the full content of this letter.

PORT OF HOUSTON AUTHORITY,
Houston, Texas, September 23, 2016.

ATTN: Ben Couhig,

Subject: Recommended Provision in WRDA 2016

Congressman BRIAN BABIN,
Washington, DC.

DEAR MR. COUHIG: As Congress prepares to address the nation's water resources requirements this year, the Port of Houston Authority informed Congressman Babin of the inability of the U.S. Army Corps of Engineers to consistently and adequately work to construct and manage federal navigation channels, in part because authorities to do so and supporting policies are limited. As a result, the Port Authority offered the following recommendation:

Authorization of Federally Maintained Tributary Channels as Part of a Channel System

At the appropriate place in the bill, insert the following:

''Projects which have been assumed for maintenance by the Secretary of the Army under any authority granted by Congress shall be considered projects authorized by Congress, and shall be planned, operated, managed, or modified in a manner consistent with authorized projects.''

The need for this language became very clear to the Port Authority as we constructed modification of the Bayport Ship Channel. The Corps had long identified a navigation safety problem at the intersection of the Houston Ship channel (HSC) and Bayport channel (the ''Bayport Flare'') caused by its design and construction of the HSC, and promised to properly correct the safety deficiency. However, the Corps discovered that while it could construct the part of the corrective work which lay within the boundaries of the Houston Ship Channel, it could not construct the second part of the solution within the Bayport ship channel because the Bayport channel was not considered ''authorized'' by Congress, but only assumed for maintenance after construction by PHA. The Corps agreed that the Bayport assumption of maintenance was conducted in accordance with laws providing authority to the Secretary of the Army to accept qualifying work, and that PHA met all design, environmental, and economic requirements of a channel as if it were designed and constructed by the Corps. The Bayport Flare deficiency exposed a serious shortcoming, whereby the federal government was unable to make a necessary navigation safety correction resulting from a deficient federal design because it could only fix what it has physically constructed—and not within channels it had managed and operated for decades.

The Houston Ship Channel system includes four tributary channels: Bayport, Barbours Cut, Jacintoport, and Greens Bayou, all of which were constructed by or operated by the Port Authority prior to federal assumption of maintenance. Should a navigation safety problem occur on any of these channels for any reason, the federal government would be unable to restore safe navigation without Congressional action—which might not be possible under current rules.

In summary, the Corps of Engineers needs the authority to provide for safe navigation for all of its channels; this recommended provision provides for that authority.

Sincerely,

MARK VINCENT.

Mr. BABIN. Mr. Chairman, my amendment provides a solution by putting channels which have been assumed for maintenance on equal footing with those that have been authorized, thus eliminating the distinction without a difference that currently exists to streamline the process and prevent these unnecessary, bureaucratic hang-ups from delaying critical safety and navigation work where it is needed the most.

I urge a ''yes'' vote on my amendment.

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

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, there are 1,100 harbors that this would apply to across the United States. We have already discussed at great length the fact that the Corps has a $2.4 billion backlog of O&M under existing authority and, after today, a $74 billion backlog of authorized but unconstructed projects.

I understand the gentleman's concerns, and he is being a great advocate for his home port; but I would direct a question to the gentleman if, perhaps, he can answer it: With 1,100 ports in America, how many other ports are in

a similar situation? And what would the cost be to the Corps, which already has a $2.5 billion backlog in O&M?

Mr. Chairman, I yield to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Chairman, I can't answer that specifically, but I do know that, even when there is funding available, they are still unable to solve a problem that could be a serious safety deficiency.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I understand the gentleman's concern. If I could, I would direct another question to the gentleman.

Earlier the gentleman might have heard discussion about our collecting an ad valorem tax on the value of imported goods, which is about $1.6 billion a year; yet we are only spending somewhere between $1 billion and $1.1 billion a year. There is a theoretical balance in the nonexistent harbor maintenance trust fund of $9.8 billion, which would go a long way to resolving lots of these problems across the country.

Does the gentleman support the idea of creating a real trust fund and actually spending the taxes that are collected for harbor maintenance on harbor maintenance and not having them be frittered away somewhere else in the government?

Mr. Chairman, I yield to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Chairman, absolutely. In the right way, I certainly would support that.

Mr. DEFAZIO. Reclaiming my time, I thank the gentleman.

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

Mr. BABIN. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. Chairman, I support this amendment that allows channels assumed for maintenance to be considered equally as authorized projects. Of course, we are dealing specifically with the Port of Houston on this; so I would encourage all Members from the Houston area on both sides of the aisle to support this amendment, which will improve the bill. Supporting this amendment is important.

Also, to those Members from the Houston area on both sides of the aisle, this is something that is going to be good for their port, and the underlying bill is going to be good for their port in the long run.

I think it is a fairness amendment, and I thank the gentleman for offering it. I urge a ''yes'' vote.

Mr. BABIN. Reclaiming my time, I thank the chairman.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MRS. BLACK

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114–790.

Mrs. BLACK. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. DAM SAFETY REPAIR PROJECTS.

The Secretary shall issue guidance—

(1) on the types of circumstances under which the requirement in section 1203(a) of the Water Resources Development Act of 1986 (33 U.S.C. 467n(a)) relating to state-of-the-art design or construction criteria deemed necessary for safety purposes applies to a dam safety repair project;

(2) to assist district offices of the Corps of Engineers in communicating with non-Federal interests when entering into and implementing cost-sharing agreements for dam safety repair projects; and

(3) to assist the Corps of Engineers in communicating with non-Federal interests concerning the estimated and final cost-share responsibilities of the non-Federal interests under agreements for dam safety repair projects.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Tennessee (Mrs. BLACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACK. Mr. Chairman, I rise to offer an amendment that will improve cost sharing for dam safety repairs and will promote transparency at the Army Corps of Engineers. To start, let me tell you about how this issue has impacted my district.

Recently, the Corps of Engineers executed a dam repair project in Tennessee's Center Hill Lake. That is all well and good, as we like to keep our dams and our waterways up to code; but the problems came when the Corps failed to communicate to localities in my district as to how the dam repair project would be classified and, therefore, what their financial responsibilities would be.

Federal statute says that the Army Corps of Engineers can designate dam projects as being in one of two categories: ''safety assurance'' or ''major rehabilitation.'' If the project is classified as a safety assurance, the costs to the utility providers, townships, and other stakeholders may be minimal; but if the project is classified as a major rehabilitation, you could have a scenario like what occurred in my district, in which the town of Cookeville, Tennessee, is now on the hook for a $1.5 million repair bill that they had not budgeted for because they had never been told to do so.

You know how this story ends, Mr. Chairman. The city has to pass along those costs to someone. So my constituents in Cookeville could be paying higher water bills for the foreseeable future all because the Corps of Engineers wouldn't be up front with them about what they would owe.

This story is not unique. A December 2015 GAO report studied nine different dam projects nationwide and found that, across the board, the Corps did very little to communicate to local communities what their cost-sharing responsibilities would be. The report further found that, in some instances, the Corps had failed to apply a provision known as the state-of-the-art provision that reduces the sponsors' share of the costs in these projects. That means, Mr. Chairman, that communities like Cookeville, in my district, may have been on the hook for bills they never would have needed to have paid if only the Corps had been transparent and had followed the rules.

Mr. Chairman, I may not be able to get Cookeville or the other communities that are cited in the GAO report their money back, but I can make sure that this never happens again. That is really what my amendment seeks to do. In short, this amendment directs the Army Corps of Engineers' district offices to effectively communicate with the sponsors and to implement cost-sharing agreements during dam safety repair projects, not afterwards. It will ensure that these arrangements are shared with all stakeholders so that in others' towns and in my town they aren't left holding the bag.

I urge a ''yes'' vote on my amendment.

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

□ 1815

Ms. EDWARDS. Mr. Chairman, I claim the time in opposition to the amendment, though I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentlewoman from Maryland is recognized for 5 minutes.

There was no objection.

Ms. EDWARDS. Mr. Chairman, I come to the floor today because it does seem that this amendment and the others that are being offered underscore a problem that I didn't think we were going to have with the reauthorization of the Water Resources Development Act. We have spent quite a bit of time in our Transportation and Infrastructure Committee under the leadership of the chairman trying to come to some common understanding and bipartisan agreement about this. Unfortunately, that is not where we are today.

In my view, water transportation and infrastructure has always been a bipartisan priority in the country. I agree with the comments of some of my colleagues that moving forward with a bipartisan bill is vital to the public health, the safety, and the economic welfare of our communities and this Nation.

I have the distinct honor of being able to represent Maryland in Congress. I know how important this bill is to our State since we have such a long coastline, the Chesapeake Bay; and several of its tributaries, including the Anacostia, the Severn River, and the

Potomac, all flow through the Fourth Congressional District, all requiring support under the Water Resources Development Act. These resources provide billions of dollars of economic activity for our State. Maintaining and modernizing Maryland's waterways and its ports, including the Port of Baltimore, is essential.

Unfortunately, we reported a bill out of the Transportation and Infrastructure Committee in May that focused on such authorization and on Corps compliance with the new project selection process that was created in the 2014 law. Under that law, as well, we would have been able to allow the Corps, beginning in 2027, to use the funds collected in the harbor maintenance trust fund for eligible harbor dredging and other activities, removing those expenditures from the annual appropriations process.

Very sadly—and as we heard today here on the floor—by dropping the trust fund language, Republicans have effectively undermined the measure by removing a key provision that originally created bipartisan support for the bill. This is really a sad moment, indeed, because now, yet again, money that should be used for our harbors and our ports is being used in a trust fund as a piggy bank for completely unrelated spending. These kinds of spending restrictions have created a large surplus in the trust fund, even as critical harbor dredging needs go unmet.

I rise today in opposition to the bill, unfortunately. It is a bill I thought I would actually be able to come to the floor and support with the chairman's leadership.

Unfortunately, we are also not able to include in our House bill aid for the Flint water crisis: $100 million to repair and replace the city's drinking water infrastructure, $20 million in loan forgiveness for prior Flint city loans taken out to build its water infrastructure, and $50 million for various public health activities. That is what the Senate did. It is what we could have done, and it is unfortunate that we could not do this here today.

I hope that before we leave out of this Congress in the lameduck session, which we anticipate later after the election, that we are going to be able to find a resolution to these problems that indeed cross the aisle.

Again, as I said, I am not in opposition to the gentlewoman's amendment, but I think that it is really important for us to understand and underscore that where we should be here is with the bipartisan bill that we agreed to in May in our committee. It is really unfortunate that we find ourselves once again lining up in partisan lines and not able to support a harbor maintenance trust fund for the use of the money for which it was intended, and that is to maintain and upgrade our Nation's ports and harbors.

I reserve the balance of my time.

Mrs. BLACK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Transportation and Infrastructure Committee.

Mr. SHUSTER. Mr. Chairman, I thank the gentlewoman for bringing this important amendment to the floor. It does several things. The first thing it does is it directs the Corps of Engineers, as the gentlewoman pointed out, to just communicate, to give direction to the folks that are involved in these projects.

We keep spinning our wheels in these projects. We are spending more money than we have to, and this highlights a problem that we face with the Corps.

Again, this amendment establishes and implements cost-sharing agreements during the dam safety repair projects. Of course, it makes all parties involved communicate so we can get these projects moving forward, so I think it is a good governance amendment.

I urge all Members to support this amendment.

Ms. EDWARDS. Mr. Chairman, I yield back the balance of my time.

Mrs. BLACK. Mr. Chairman, I think it is pretty clear what this amendment does. I do want to say that we have worked with the Corps of Engineers, which helped us to draft this amendment. I urge a ''yes'' vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACK).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. BLUM

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 114–790.

Mr. BLUM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. EXPEDITED COMPLETION OF AUTHORIZED PROJECT FOR FLOOD RISK MANAGEMENT.

The Secretary shall expedite the completion of the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by item 3 of the table in section 7002(2) of the Water Resources Development Act of 2014 (Public Law 113–121; 128 Stat. 1366).

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Iowa (Mr. BLUM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BLUM. Mr. Chairman, that I am speaking on the floor of the U.S. House is remarkable timing. The city of Cedar Rapids, the largest city in my district, is currently experiencing major flooding of the Cedar River, cresting 11 feet above flood stage today.

In 2008, just 8 short years ago, the same river crested at over 19 feet above flood stage. Yes, you heard that correctly, 19 feet above flood stage.

I was in Cedar Rapids this weekend sandbagging alongside volunteers to prepare for this disaster and saw firsthand the amazing response from the community as thousands of eastern Iowans came together to protect their city. I want to thank Cedar Rapids Mayor Ron Corbett and his team for their tireless work to prepare the city for the flooding, as well as the administration of Governor Branstad for their assistance.

Today's flooding further underscores the need for the administration to include the Cedar Rapids flood project in their budget. This project was approved by Congress in the 2014 WRRDA bill, and my amendment today calls on the administration to expedite this project. Cedar Rapids has spent untold millions of dollars on this disaster—money spent on a short-term solution—while the city waits for the administration to release the approved funding for the long-term fix.

Since taking office in 2014, I have worked hard to get the authorized funding released, joining my colleague from Iowa, Representative LOEBSACK, in reaching out to the Army Corps of Engineers, the House Appropriations Committee, President Obama, and his Office of Management and Budget, stressing the importance of this project.

The bottom line is: How many more Cedar Rapids floods will it take before the administration includes this project in their budget? How many times will families have to evacuate their homes? How many times will businesses have to cease their operations? How many times will employees be negatively impacted by the flooding? How many times must this happen before the administration includes this project in their budget?

Mr. Chairman, I thank the entire Iowa delegation for their support on this issue. I encourage my colleagues to support this bipartisan amendment and make it clear, once again, that Congress believes the Cedar Rapids flood project should receive the funding that was approved in 2014.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman from Iowa for bringing this good, bipartisan amendment to the floor. I have seen the pictures on TV of what is happening out there in Cedar Rapids, and our thoughts and prayers are with that community out there tonight as they fight that challenge.

Again, this amendment, as the gentleman explained, expedites the Cedar River project. I think this infrastructure project getting done quicker is

important. I have always supported getting these things done faster because I believe time is money. The longer these things go, the more expensive they get. This amendment goes a long way into making sure that this project is pushed out there faster and it gets done. So I appreciate my colleague from Iowa for bringing this. I urge a ''yes'' vote.

I yield back the balance of my time.

Mr. BLUM. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BLUM).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. BOST

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 114–790.

Mr. BOST. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1___. REVIEW OF BENEFITS.

When reviewing requests for repair or restoration of a flood risk management project under the authority of section 5(a)(1) of the Act of August 18, 1941, (33 U.S.C. 701n(a)(1)), the Army Corps of Engineers is authorized to consider all benefits to the public that may accrue from the proposed rehabilitation work, including, flood risk management, navigation, recreation, and ecosystem restoration.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Illinois (Mr. BOST) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. BOST. Mr. Chairman, I thank Chairman SHUSTER for helping with the effort on this amendment.

The purpose of my amendment is simple. I believe that the Army Corps of Engineers should consider all potential economic benefits of repairing levees following a flood disaster. Right now, the Corps may only consider flood prevention when allocating rehabilitation assistance of levees. This makes no sense.

The Corps manages inland waterways for a multitude of purposes. In many cases, Federal and non-Federal levees work together in an integrated system. How can we ignore the benefits of repairing a levee when doing so would improve navigation and other Corps responsibilities along with it?

The repair of the Len Small Levee in Alexander County, Illinois, is just one example of our failing to see the forest for the trees. The levee was breached in last winter's floods. Millions have been spent on riprap to maintain navigation on the river. Even more money will be needed to maintain navigation if further flood damage occurs. Despite that fact, the Corps has ignored the navigation benefits and costs of making interim repairs.

My amendment helps address this issue, but further reforms to the Corps levee repair program must be made. I hope to work with the chairman and ranking member to address these issues with the programs in future legislation.

I encourage a ''yes'' vote on this piece of legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. BOST).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 8 will not be offered.

AMENDMENT NO. 9 OFFERED BY MR. DOLD

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 114–790.

Mr. DOLD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1___. FEDERAL COST LIMITATION OF ECOSYSTEM RESTORATION COSTS FOR CERTAIN PROJECTS.

Section 506(c) of the Water Resources Development Act of 2000 is amended by adding at the end the following:

''(5) A project carried out pursuant to this subsection may include compatible recreation features as determined by the Secretary, except that the Federal cost of such features may not exceed 10 percent of the ecosystem restoration costs of the project.''.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Illinois (Mr. DOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DOLD. Mr. Chairman, I rise today in support of my amendment to H.R. 5303.

Imagine for a moment, Mr. Chairman, spending millions of dollars on wetlands restoration without allowing people to visit these areas. Unfortunately, that is exactly what we are asking the Army Corps of Engineers to do with projects that are funded by the Great Lakes Fishery and Ecosystem Restoration program, or GLFER.

GLFER is a program for improving aquatic habitats and the Great Lakes watershed. Through a partnership between the Army Corps of Engineers, the Great Lakes Fishery Commission, and State and local government, funds are made available for restoring wetlands and preservation of coastal habitat along the Great Lakes shorelines.

Individual projects require a non-Federal partner—like a State, local government, or nonprofit—to contribute at least 35 percent of the project costs to operate and maintain the completed project.

In my district, GLFER funds have been used to restore wetlands along the Lake Michigan shoreline at Fort Sheridan, and nearby they have been used to restore wetlands on Northerly Island right in the heart of downtown Chicago.

Mr. Chairman, this is about ensuring parity. Every other wetland restoration program within the Army Corps of Engineers is allowed to use up to 10 percent of the funds for any project for compatible recreation features. GLFER-funded projects are unique in that the Army Corps is not allowed to use funds for that purpose. My amendment would simply change that policy.

□ 1830

Very simply, my amendment will allow the Army Corps of Engineers to use GLFER funds, not to exceed 10 percent of the total project amount, to build complimentary recreation features like walking trails, bike paths, fishing stations, picnic shelters, and benches.

Mr. Chairman, I represent a district along Lake Michigan, one of the greatest natural resources our Nation possesses. My amendment would expand outdoor recreation opportunities and give families access to enjoy these restored wetland areas. I urge my colleagues to support this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. DOLD).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 114–790.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. NON-FEDERAL INTEREST SELECTION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in carrying out an authorized and funded water resources development project, the Secretary shall solicit and accept bids from non-Federal interests. If a non-Federal interest can demonstrate greater cost effectiveness and project delivery efficiency than the Corps of Engineers for such project, the Secretary shall transfer the funds to the non-Federal interest for project completion.

(b) SAVINGS.—Funds saved in project delivery by a non-Federal interest under subsection (a) shall be used as follows:

(1) 20 percent for deficit reduction.

(2) 80 percent for other projects of the Army Corps of Engineers.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, the ranking member was talking earlier about this extraordinary backlog of projects that we have within the United States Army Corps of Engineers to carry out important projects like flood protection, hurricane protection, and ecological restoration.

We do, in fact, have a backlog that goes on for years and years. In fact, as I mentioned earlier, it takes us, in many cases, over 40 years to take a project from development through the construction phase. These are critical projects that, in many cases, save people's lives.

Just recently in the State of Louisiana, we had an extraordinary flood event. Thirteen people lost their lives as a result of that event, yet there was a project, the Comite project, that could have tempered flooding in many of these areas. What our amendment does is it simply allows for non-Federal sponsors to bid to carry out the construction or other aspects of projects. It is a way to save money to expedite delivery.

In my previous job, Mr. Chairman, I actually was the non-Federal sponsor for billions of dollars in projects with the United States Army Corps of Engineers. There were a number of examples where we were able to build the entire project for the one-third, or approximately one-third, cost-share estimate that the United States Army Corps of Engineers estimated the project was to cost, and we were able to do it in a fraction of the time.

What this does, it allows for the non-Federal sponsor to carry out the project. It returns 20 percent of the cost savings back to the United States Treasury for deficit reduction, and it takes 80 percent of the cost savings and reinvests it back into priority Corps of Engineers' projects.

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

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would like to ask the author, it seems to me that if we are going to transfer responsibility for carrying out projects from the Corps of Engineers—these would be, again, taxpayer dollars—would these projects be covered by the provisions of Davis-Bacon?

Mr. GRAVES of Louisiana. Will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Louisiana.

Mr. GRAVES of Louisiana. I thank the gentleman. Right now, as the provision is written, as you know, it is silent on that issue, and so it doesn't address the Davis-Bacon issue, as I am aware the Corps of Engineers would be complying with.

Mr. DEFAZIO. Reclaiming my time, well then, you know, given that, I mean, we have had myriad debates on the floor of the House and in the committee over the years from those who come in and say: gee, we can do it a lot cheaper if we pay minimum wage; we can do it a lot cheaper if we bring in illegal immigrants; you know, on and on and on.

Sure, you can do things more cheaply, but the idea and the bedrock of Davis-Bacon is we pay skilled workers a living wage that is the prevailing wage in the local area. The committee has never passed an amendment gutting Davis-Bacon, despite many attempts on the committee. I feel that this would, unfortunately—the way the gentleman has just phrased it, says it is silent on the issue—undermine Davis-Bacon, and, therefore, I would oppose the amendment.

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

Mr. GRAVES of Louisiana. Mr. Chairman, I am going to go back and say what I said before. In previous projects that I have worked with in the United States Army Corps of Engineers, we have been able to save Federal taxpayers tens of millions of dollars, cumulatively hundreds of millions of dollars by carrying out the projects through the non-Federal sponsor, allowing for county governments, parish governments, State governments, levee districts, water boards, and others to carry out projects.

If we are able to demonstrate greater efficiency and taxpayer cost savings, why would we not allow for that mechanism to carry out these projects? It expedites delivery of projects. These are critical projects.

Mr. Chairman, I want to reiterate, in the State of Louisiana, in the flood we just had last month, we had 13 people die because of a project that has been in the Corps of Engineers process for 30 years; 30 years, Mr. Chairman.

I really wonder what someone who would oppose this amendment would tell the families of those people who died as a result of the Corps' inaction. This is absolutely inappropriate. We have a way to save taxpayer dollars, to reduce the deficit, and to free up more resources for high-priority Corps of Engineers projects and make our communities and our ecosystem more resilient.

Mr. Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

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

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 114–790.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ____. LOCAL FLOOD PROTECTION WORKS.

(1) IN GENERAL.—Permission for alterations by a non-Federal interest to a Federal levee, floodwall, or flood risk management channel project and associated features may be granted by a District Engineer of the Department of the Army or an authorized representative.

(2) TIMELY APPROVAL OF PERMITS.—On the date that is 120 days after the date on which the Secretary receives an application for a permit pursuant to section 14 of the Act of March 3, 1899 (commonly known as the ''Rivers and Harbors Appropriation Act of 1899'') (33 U.S.C. 408), the application shall be approved if—

(A) the Secretary has not made a determination on the approval or disapproval of the application; and

(B) the plans detailed in the application were prepared and certified by a professional engineer licensed by the State in which the project is located.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, what this amendment does is it simply puts a cap on the amount of time that the United States Army Corps of Engineers can consider permission under section 408. This process has to do with alteration, any changes, or impacts that could occur to a Corps of Engineers project.

I want to be clear, this doesn't expand the Corps of Engineers' authority in any way. All this does is it simply puts a cap, a time certain. Here is the reason why, Mr. Chairman. In the State of Louisiana, we have lost 1,900 square miles of our coast, 1,900 square miles of wetlands, some of the most ecologically productive areas on the North American continent. We have lost that.

Part of the remedial efforts that Congress has authorized and we have been waiting decades for the United States Corps of Engineers to act upon are projects to reconnect the river system with the adjacent estuary. That is how south Louisiana was built. It is a product of the Mississippi River. It is a deltaic plain.

These projects are strongly supported by the environmental community and others, yet the Corps of Engineers has said that it is going to take them years to consider this impact or not on the levee system. So we are going to sit here and wait years for more wetlands to erode, and for more of our environment and more of our ecological productivity to degrade. This puts a time certain. It gives 120 days for the Corps of Engineers to make a decision on whether or not there are impacts to the project. It allows us to move forward in a time certain.

Mr. Chairman, a quick story. When I was working on these projects for the State, the Corps of Engineers came to us on the first one we submitted, and

they said: It is going to take us approximately 3 years to come back and give you an answer on that. Three years, Mr. Chairman, that we are waiting to, again, carry out projects to restore the environment. But they said: However, if you give us—and I think the number was $1.5 million, we will reduce that time to closer to 2 years.

Mr. Chairman, in the private sector, that is called a bribe. In the United States Army Corps of Engineers, I guess it is the status quo. It is absolutely inappropriate. We have got to have time certain. They shouldn't be able to extort dollars out of project sponsors just to carry out projects to restore the environment and mitigate impacts caused by the United States Army Corps of Engineers.

Mr. Chairman, I urge adoption of the amendment. This is consistent with things we have done in the past in terms of giving a time certain for consideration.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. GRAVES OF LOUISIANA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 114–790.

Mr. GRAVES of Louisiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. _____. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.

The Secretary shall expedite carrying out the projects listed under paragraphs (29) through (33) of section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) and is authorized to proceed to construction on such any such project if the Chief of Engineers determines the project is feasible.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Louisiana (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. GRAVES of Louisiana. Mr. Chairman, beginning around August 11, we had a 1,000-year flood event. This flood event was approximately 7 trillion gallons of water. It dropped 31 inches of rain in some of the peak areas that is the national average annual rainfall. We received it in about 36 hours in some of the peak areas. Again, to translate this for my Yankee friends, if this were snow, this would have been about 25 feet of snow. So, really, just an extraordinary event.

Mr. Chairman, what has happened is that there were projects that date back to the 1970s and the 1980s that provided for flood protection for this region. We had 13 people who died. We have over 100,000 homes that were flooded. Areas like the Comite Basin and the Amite Basin are priority areas. I want to say it again. These are areas that have projects that have been authorized by Congress previously in the 1970s, the 1980s, and I believe even the 1990s, yet projects that have been moving at a snail's pace. So what this amendment does is it simply expedites the delivery of these projects.

Mr. Chairman, this is critical. Let me explain why. Right now, you have communities like Denham Springs where FEMA just came out and determined that 45 percent of the homes in that town are significantly flooded with significant damage. What that means is that they are going to have to now comply with the updated base flood elevations and, in some cases, lift the slabs of their homes, which may be $100,000 or more per home, per business, just to now come into compliance with the new base flood elevations to be able to rebuild their homes.

This is on top of the perhaps $80,000 they are going to have to spend rebuilding their home, $40,000 they are going to have to spend replacing their vehicles, and perhaps $50,000 replacing their clothes and other contents of their homes. It makes it absolutely unaffordable.

We have got to provide certainty. By expediting projects that were previously authorized, Mr. Chairman, we can eliminate the need for many of these homeowners to have to elevate their homes, and provide financial certainty and a path forward for these folks to actually be able to get back in their homes and recover our communities from what is believed to be the fourth most expensive flood disaster in United States history.

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

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition to raise a question.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I would ask the gentleman—he has stated they are authorized. On this side, there is some confusion. Have these gone through a study and then the chief has submitted a report to us? Is that what we are doing is ratifying a Chief's Report, which is the process to be followed in this bill so as not to have earmarks? Or are these at an earlier stage, where they haven't had a Chief's Report, and, therefore, we are now about to authorize projects that are specific without following the procedures that everyone else has had to go through?

I understand what has happened is a tragedy there, but there are other places where there have been floods and other people might want to say: Well, gee, we don't have a report yet either, but we want to authorize something right now.

Can the gentleman tell me, do we have the Chief's Report, or is what has been authorized just a study which isn't yet completed?

Mr. SHUSTER. Will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I will answer that. We believe the projects are already authorized. Back in 2007, in 33 United States Code section 2332(i)(2), it states there that ''all studies and projects carried out under this section from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.''

We believe that these are one of the projects cited in that. We believe these have been authorized.

□ 1845

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, the chairman is saying that this is consistent with all of the other projects in this bill, except perhaps the earmark project for Texas, which was earmarked in an appropriations bill.

I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, yes, we believe it is. Prior to 2007, these projects were authorized. So, under that law, these things are authorized. They are not earmarked.

Mr. DEFAZIO. Mr. Chair, I yield back the balance of my time.

Mr. GRAVES of Louisiana. Mr. Chairman, I would just like to follow up on the chairman of the committee's comments.

The 2007 cite that Chairman SHUSTER referenced goes back to actually a WRDA 1999 provision. I believe it is section 212 of WRDA 1999 that actually provides the study and project implementation authorization. The 2007 language that was cited amends the 1999 language. So these projects were previously addressed by Congress.

I want to say it again, Mr. Chairman. We have a backwards policy in regard to Federal disasters where we come in and spend billions of dollars after a disaster instead of spending millions of dollars before, making our communities more resilient.

I am going to say it again. Thirteen people died here. We have incredible financial uncertainty and folks' inability to get back in their homes because they may be faced with a $100,000 or more cost to elevate these slabs to come into compliance with the new base flood elevation. By expediting these projects, we can eliminate that financial uncertainty and we can get people back in their homes and restore our community as quickly as possible.

I urge adoption of the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. LONG

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 114–790.

Mr. LONG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ___. TABLE ROCK LAKE, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(1) shall include a 60-day public comment period for a Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan revision; and

(2) shall not finalize a revision for the Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan during the 5-year period beginning on the date of enactment of this Act.

(b) SHORELINE USE PERMITS.—During the period described in subsection (a)(2), the Secretary shall lift or suspend the moratorium on the issuance of new, and modifications to existing, shoreline use permits based on the existing Table Rock Lake Master Plan and Table Rock Lake Shoreline Management Plan.

(c) STUDY.—

(1) IN GENERAL.—The Secretary shall—

(A) carry out a study on the need to revise permit fees relating to Table Rock Lake to better reflect the cost of issuing those fees and achieve cost savings; and

(B) submit to Congress a report on the results of the study described in subparagraph (A).

(2) REQUIREMENT.—The Secretary shall complete the study under paragraph (1)(A) before adopting any revision to the Table Rock Lake Shoreline Management Plan.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Missouri (Mr. LONG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LONG. Mr. Chairman, Table Rock Lake, near Branson, Missouri, is one of the premier destinations in the Ozarks, especially for my constituents in the Seventh Congressional District.

The Army Corps of Engineers is currently undertaking a revision of the lake's Shoreline Management Plan and has in place a moratorium on dock permits to halt development around the lake.

What this means is, if you purchased a home or land in this area with the hopes of putting in a dock, you can no longer do so. If you already have a dock and it needs to be updated, you can't even update it.

I have met with the Corps and the lake community throughout this process, and the overwhelming consensus from my constituents is that their voices are not being heard on this issue that will have far-reaching effects for those living on the lake and for its economy.

My amendment would extend the public comment period to ensure that those directly impacted by the shoreline plan will have a say in it. My amendment also lifts the moratorium on dock permits and extends the timeframe of the final plan to ensure that the Corps has enough time to incorporate the community's concerns into its updated plan.

I am proud to work with Senator BLUNT and Chairman SHUSTER on this commonsense issue. I urge my colleagues to support my amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. LONG).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 114–790.

AMENDMENT NO. 15 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 114–790.

Mr. MICA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1___. ADJUSTMENT TO COST BENEFIT RATIO.

For any navigation project carried out by the Army Corps of Engineers with non-Federal funds, the Secretary may, after completion of any portion of the authorized project, adjust the authorized benefit cost ratio.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment. It does make an adjustment to the benefit-cost ratio for any navigation project carried out by the Army Corps of Engineers with non-Federal funds.

This gives the Secretary, after the completion of any portion of the authorized projects, the ability to adjust the authorized project's benefit-cost ratio.

Unfortunately, we have some projects with elongated channel configurations, where the terminals are located at the end of the line, and they are significantly disadvantaged when competing for Federal funding because the cost of these projects has escalated, lowering the benefit-cost ratio to below the threshold required by OMB for budgetary purposes.

This amendment would provide discretionary authority to the Secretary to revise the benefit-cost ratio after completion of portions of the projects with non-Federal funds. Remaining portions of the project could be eligible to compete for Federal funding based on a revised benefit-cost ratio.

This amendment does not guarantee any Federal funding to any project, but is simply a path forward to enable projects to be in a position to fairly compete for Federal funding.

The authority could be applicable to any authorized navigation project which is placed at a competitive disadvantage due to the configurations, again, of the shipping channel.

The amendment builds upon the reforms that we were able to put in the WRRDA bill of 2014, which streamlines some of the Corps' processes. It also provides flexibility to adapt to local initiatives and maximizes the ability of non-Federal interests to more fully participate in project development and ultimately reduce Federal costs.

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

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, I will be brief. I understand the gentleman's frustrations, and on its surface, it is a great idea. The problem is, unless things are reformed at the Office of Management and Budget, the trolls under the bridge with the green eye shades who have way too much clout here in Washington, D.C., and are invisible, this will empower them further, potentially. They rank projects according to cost effectiveness.

So you can essentially move your project up if you can afford to put more money in it and it will jump ahead of other projects which were higher-ranked, cost-effective projects, but OMB is going to choose the one at the top, which will empower communities that can afford to contribute more and perhaps perpetually push communities that can't afford to contribute more than their regular share to the bottom of the heap, never to be funded.

Of course, I already talked about the backlog of now $74 billion of authorized unfunded projects while we still misspend the trust fund moneys on other parts of the government. That, of course, was subject to earlier debate where the Republicans stripped that out of the bill, which would have helped deal with some of these problems.

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

Mr. MICA. Mr. Chairman, I think it will save money and actually benefit projects that start with non-Federal dollars and can be a great advantage to some of those ports and other waterways that are at a disadvantage because of the distance of the project.

So I ask support for this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 114–790.

Mr. MICA. Mr. Chairman, I have an amendment at the desk that I offer as the designee of the gentleman from Oklahoma (Mr. MULLIN).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. _____. LAND TRANSFER AND TRUST LAND FOR THE MUSCOGEE (CREEK) NATION.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Muscogee (Creek) Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the Corps of Engineers operation of the Eufaula Lake Project or any other authorized civil works projects; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Eufaula Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this subsection, as necessary to carry out an authorized purpose of the Eufaula Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 18.38 acres of land located in the Northwest Quarter (NW 1/4) of sec. 3, T. 10 N., R. 16 E., McIntosh County, Oklahoma, generally depicted as ''USACE'' on the map entitled ''Muscogee (Creek) Nation Proposed Land Acquisition'' and dated October 16, 2014.

(2) SURVEY.—The exact acreage and legal description of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Muscogee (Creek) Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, today I am asking my colleagues for support of this noncontroversial amendment.

This amendment would facilitate simply a land transfer from the Army Corps of Engineers to the Department of the Interior to hold in trust for the Muscogee (Creek) Nation. The language is supported by the Corps, the State of Oklahoma, and by the Muscogee (Creek) Nation. It was included in the Senate-passed WRDA bill, which passed overwhelmingly in bipartisan fashion.

It received a zero budget impact from CBO. The Muskogee (Creek) Nation will be paying fair market value to the Corps for land.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 17 will not be offered.

AMENDMENT NO. 18 OFFERED BY MR. THORNBERRY

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 114–790.

Mr. THORNBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1___. LAKE KEMP, TEXAS.

Section 3149(a) of the Water Resources Development Act of 2007 is amended—

(1) by striking ''2020'' and inserting ''2025''; and

(2) by striking ''this Act'' and inserting ''the Water Resources Development Act of 2016''.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with a local, unique issue involving privately owned cabins on privately owned land near Lake Kemp in Texas.

When reconstructing the dam in the late 1960s, the city of Wichita Falls entered into an agreement with the Corps of Engineers that the city would require all of these privately owned cabins owners below a certain elevation to be removed by January 1, 2000, because there was concern it could potentially flood. But 50 years later, there has never been a flood, and there never will be a flood, because the lake has been full several times.

The 2007 WRDA bill prevented the Corps from requiring the city to evict the landowners until at least 2020, and, at the same time, the U.S. and the Corps were released from any liability. This amendment would simply extend that time period for an additional 5 years.

The amendment also preserves the full property rights for the landowners. You have got some of these cabin owners who have been there for years, and the city does not have the desire or the funds to force them off the land.

So the bottom line, Mr. Chairman, is this is a local situation. This amendment gives local folks an added opportunity to solve their issues. I hope Members will support it as well as the underlying bill.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. THORNBERRY).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 19 OFFERED BY MR. WEBER OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 114–790.

Mr. WEBER of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ___. COASTAL TEXAS ECOSYSTEM PROTECTION AND RESTORATION, TEXAS.

In carrying out the comprehensive planning authorized by section 4091 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1187), the Secretary shall consider studies, data, and information developed by the Gulf Coast Community Protection and Recovery District to expedite completion of the plan.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. WEBER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. WEBER of Texas. Mr. Chairman, I rise to offer a very important amendment to the State of Texas. This amendment is noncontroversial and mirrors language by Senator CORNYN in the Senate's version of WRDA.

Thanks to Chairman SHUSTER for making our ports and waterways a critical national priority and for bringing this important legislation to the floor today.

Mr. Chairman, this amendment would simply require the Army Corps of Engineers to take into account the existing data, studies, and information developed by the Gulf Coast Community Protection and Recovery District when conducting the Coastal Texas Protection and Restoration Study authorized in the Water Resources Development Act of 2007.

The Gulf Coast Community Protection and Restoration District, or GCCPRD, was formed in the aftermath of Hurricane Ike by six Texas counties encompassing Houston and Southeast Texas. The counties were Harris, Galveston, Brazoria, Chambers, Jefferson, and Orange.

Hurricane Ike struck this region in 2008, caused $37.5 billion in damage nationwide, making it the third costliest hurricane in United States history. The storm caused over 100 fatalities, washed away homes, flooded communities, and shut down much of the Nation's and region's energy production.

The effects of another major hurricane on the Houston region and our Nation would be devastating. Over 6 million people call this area home, and

many work in critical economic sectors like health care and energy refining. The impact would be felt in every congressional district across the country.

For example, according to reports published immediately after Hurricane Ike made landfall, gas prices spiked between 30 and 60 cents per gallon across many States due to the disruption in energy production in the Houston region.

In 2013, the Texas General Land Office entered into an agreement with GCCPRD to conduct a three-phase Storm Surge Suppression Study. The phase three report was released this past June.

In addition to this study, the GLO and the Army Corps of Engineers are moving forward in partnership on the Coastal Texas Protection and Restoration Study. Once completed, this study will make the case for coastal infrastructure projects that would qualify for Federal dollars and would protect our vulnerable coastal communities in a major part of this Nation's energy production. The study received funding in the President's fiscal year 2017 budget, but the current timeline for completion of this study is over 5 years. Mr. Chairman, it has been 8 years since Hurricane Ike, and this time line is unacceptable.

So, Mr. Chairman, protecting the Texas coast from dangerous storms is a critical Federal interest and a national priority. This amendment would simply require the Army Corps to tap into an existing pool of data and information developed by Texans in an effort to shorten the completion timeline of the Coastal Protection and Restoration Study.

I urge adoption of this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. WEBER).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. YOUNG OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 114–790.

Mr. YOUNG of Iowa. Mr Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. ___. CORPS LEVEES THAT AFFECT COMMUNITY-OWNED LEVEES.

Where Federally owned and operated levees increase flood risk and compromise the accreditation of community-owned local flood protection systems, it shall be the policy of the Corps of Engineers to act expeditiously with actions required to authorize, fund, identify, and implement improvements to reduce and negate negative impacts to community-owned flood protection system accreditation.

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Iowa (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. YOUNG of Iowa. Mr. Chairman, first, I would like to thank the Committee on Transportation and Infrastructure, Chairman SHUSTER, and members of the staff for working so hard on this bill.

Mr. Chairman, my amendment seeks to address situations where community-owned levees and federally owned U.S. Army Corps of Engineers levees are hydraulically connected. These hydraulically connected levees are close enough to one another in the same water system and can have a huge impact on each other. So when a local flood protection system is in need of repairs, we cannot allow Federal inaction to stand in the way. Without action from the Corps, improvements to local levees have limited effect and are insufficient, making it difficult to achieve accreditation.

Why is this important? Not only does it put people and property in flood zones at risk, but it also increases costs for individuals and businesses in our communities, mandating flood insurance and classifying any development as ''high risk.''

I am seeing this in my district, where the City of Des Moines has been working with the Corps since 2011. I know my district is not alone. I see it in other districts as well.

Mr. Chairman, we cannot continue to have local governments be hindered by Federal inaction, inaction on property the Federal Government took responsibility for years ago.

In the end, this amendment will establish a policy that will reduce and, ultimately, negate the negative impacts to community-owned flood protection system accreditation caused by the Army Corps of Engineers' failure to act.

I urge adoption of my amendment.

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

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Chairman, this amendment, I have got to say, we are not quite certain what it does. It seems to require the Corps of Engineers to take action for anything that relates to a Federal project which is a locally owned flood control.

I have no idea what the implications of this are. So my staff called the Corps and said: How many projects do you think this would affect, and what do you think the impacts would be? The Corps of Engineers said they had no idea.

I would like to address a question to the chairman.

Mr. Chairman, since the Corps has no idea what this amendment does, what the financial implications are, since it would seem to give the Federal Government liability for all these local projects that are anywhere downstream or related to a Federal project, could the chairman explain to me what this amendment will do, since the Corps can't?

I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. My understanding is that it is a sense of Congress to ask the Corps to act——

Mr. DEFAZIO. Reclaiming my time, it is not a sense of Congress, as offered. It is actually—it is quite definitive language. ''Where Federally owned and operated levees increase flood risk and compromise the accreditation of community-owned. . . . it shall be the policy of the Corps of Engineers to act expeditiously with actions required to authorize, fund, identify, and implement improvements to reduce and negate negative impacts to community-owned flood protection system accreditation.'' It seems to me that it is pretty definitive with the ''shall'' part there.

I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Well, it does say ''shall'' and it does ask the Corps to act expeditiously, which I think all of us want to encourage the Corps to do that.

Mr. DEFAZIO. Okay. Good luck with that.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MS. ESTY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 114–790.

Ms. ESTY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ___. CORROSION PREVENTION.

Section 1033 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2350) is amended by adding at the end the following:

''(d) REPORT.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the corrosion prevention activities encouraged under this section that includes—

''(1) a description of the actions the Secretary has taken to implement this section; and

''(2) a description of the projects utilizing corrosion prevention activities, including which activities were undertaken.''.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Connecticut (Ms. ESTY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. ESTY. Mr. Chairman, I rise today in support of my amendment to

the Water Resources Development Act, which would require the Secretary of the Army Corps to implement a corrosion prevention strategy for our Nation's water infrastructure.

Preventing corrosion is a bipartisan issue and affects every State, district, and local community. In Connecticut and across the country, corrosion shortens the lifespan of our critical water systems, harms the environment, and endangers public health and safety.

Many of our Nation's water systems are over 100 years old. What's more, according to a study conducted by the Federal Highway Administration in 2002, the corrosion of water and sewer systems across the United States costs the American taxpayers nearly $36 billion a year, a number that has only increased in the ensuing 14 years.

By implementing strategies to prevent corrosion, we can extend the lifespan of these water projects, save money, and ensure that we have continued access to safe drinking water for years to come.

Surely, we can all agree that by preventing corrosion we are being responsible stewards of taxpayer dollars, as well as protecting citizens' health and safety.

So let's be clear. This is not a substitute for the serious conversation that this country needs to be having on updating and bringing into the 21st century our roads, bridges, highways, sewer systems, and water systems; but we do need to work toward extending the lifespan of current Federal infrastructure, and we need to work hard on that today.

Today, we have the opportunity to engage in a bipartisan effort on corrosion prevention, something that will be an important first step to extend the lifespan and the safety of these systems. It is the and it is the sensible thing to do.

When corrosion control technologies are properly installed and maintained, corrosion is largely preventable. It is inexpensive and it saves lives.

So again, I urge my colleagues to support this amendment.

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

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Chairman, I say a special thank you to my cosponsor, co-chair of the House Corrosion Prevention Caucus, Congresswoman ESTY, for introducing this amendment that will help the taxpayers protect America's aging infrastructure.

Corrosion in our Nation's infrastructure reduces the lifespan of our investments, costs our taxpayers billions of dollars, threatens our environment, and endangers our public safety. If left unchecked, corrosion affects many sectors of our economy, including defense projects, energy development, ports, water infrastructure, utilities, roads, rails, bridges, and other critical American assets.

The good news is that corrosion is an issue that can be tackled to extend the life and value of our Federal investments. When properly maintained, corrosion is largely preventable.

I have dealt with corrosion my whole adult life. Serving in our Navy for 9 years, I have seen young sailors fighting corrosion on our ships with a paint scraper, a paint brush, and a bucket of gray paint—the glory of the so-called paint and chip detail.

Working for the Houston region, I know how corrosion can impact our investment in our ports and waterways. Investing in corrosion prevention now will save the taxpayers billions down the road.

If my colleagues want to know more about corrosion prevention, come to Houston, Texas, headquarters of NACE, National Association of Corrosion Engineers, International.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SHUSTER. I yield an additional 30 seconds to the gentleman from Texas.

Mr. OLSON. This amendment would simply require the Army Corps to submit a report on corrosion prevention activities for our Nation's infrastructure, including water and sewer systems. I urge my colleagues to support this bipartisan, commonsense amendment.

Mr. SHUSTER. Mr. Chairman, if Connecticut and Texas can agree on this, then Congress ought to be able to agree on this.

I yield back the balance of my time.

Ms. ESTY. Mr. Chairman, I want to thank my friend and colleague and the co-chair of the Corrosion Prevention Caucus.

I am a Navy daughter and the daughter and granddaughter of civil engineers, so believe me, I have learned a lot about corrosion and corrosion prevention in my life.

Again, this is the sort of bipartisan fix we need to be engaged in in this body. I want to thank my good friend, Mr. OLSON, my good friend, the chairman, Mr. SHUSTER. I urge all our colleagues to support this commonsense amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY).

The amendment was agreed to.

□ 1915

AMENDMENT NO. 22 OFFERED BY MS. ESTY

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 114–790.

Ms. ESTY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ___. NORTH ATLANTIC COASTAL REGION.

Section 4009 of the Water Resources Reform and Development Act of 2014 (Public Law 113-121; 128 Stat. 1316) is amended—

(1) in subsection (a) by striking ''a study to determine the feasibility of carrying out projects'' and inserting ''a comprehensive assessment and management plan'';

(2) in subsection (b)—

(A) in the subsection heading by striking ''STUDY'' and inserting ''ASSESSMENT AND PLAN''; and

(B) in the matter preceding paragraph (1), by striking ''study'' and inserting ''assessment and plan''; and

(3) in subsection (c)(1) by striking ''study'' and inserting ''assessment and plan''.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Connecticut (Ms. ESTY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. ESTY. Mr. Chairman, I rise today in support of my amendment, which makes an important change to the North Atlantic Coastal Ecosystem Restoration Study. My amendment expands the scope of the study from a mere feasibility study to a comprehensive assessment and management plan.

First established in the 2014 Water Resources Reform and Development Act, the North Atlantic Coastal Ecosystem Restoration Study is a state-of-the-art approach for bringing together the latest science on restoring coastal ecosystems at scale.

The proposal in my amendment is an important change because it will allow the United States Army Corps of Engineers to undertake critical habitat restoration projects of tidal marshes, beaches, dunes, and fish spawning areas across a region spanning from Maine to Virginia.

Due to the varying habitats and ecosystems along the entire North Atlantic Coast, individual States currently are struggling to adequately address environmental and ecological issues that span the entire region.

Challenges arising from, for example, algal bloom, fish depletion, and water quality issues know no boundaries and, frankly, defy the efforts of States to coordinate activities. Beyond that, we simply lack the expertise in each and every State to address these shared problems. What has resulted is a fragmented, State-by-State approach to solving interconnected environmental problems that need holistic solutions.

My amendment addresses this problem by creating a comprehensive, cooperative, and regional approach to environmental restoration and management. By fostering collaboration on coastal restoration projects between the Army Corps, State, and local partners, we can more effectively tackle environmental issues and restoration of coastal ecosystems.

My change will help States along the entire North Atlantic United States solve major water quality issues like eutrophication, algal bloom, fish depletion, and threats to shellfish like the ones we are currently facing in Long Island Sound.

Again, I urge my colleagues to adopt this commonsense amendment.

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

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, this is a good amendment, and I appreciate the gentlewoman for bringing it forward. I urge all Members to support it.

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

Ms. ESTY. Mr. Chairman, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. ESTY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MS. FRANKEL OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 114–790.

Ms. FRANKEL of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ___. ACQUISITION OF BEACH FILL.

Section 935 of the Water Resources Development Act of 1986 (33 U.S.C. 2299) is amended by striking ''if such materials are not available from domestic sources for environmental or economic reasons''.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Florida (Ms. FRANKEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. FRANKEL of Florida. Mr. Chairman, I bring this amendment on behalf of myself and Mr. CURBELO of Miami, Florida. It is a very excellent commonsense amendment. It is an authorization that requires no money, and it strikes an archaic, 30-year-old provision from law.

I would like to explain how it affects our home State of Florida. Quite simply, the law is an obstacle to Florida's tourism and shoreline protection. We are one of the top travel destinations in the world. We have over 100 million visitors with a $70 billion impact to Florida's economy, and beaches play a very big role not only for visitors, but for our shore protection and for protection of our property, people, and the environment.

Just like Northern States have to fix their potholes after a bad winter, in Florida, we have to restore our beaches. What has happened is that Dade and Broward Counties have run out of useable sand to dredge off our coast to put back on the beaches. After the Sandy Hurricane, our sand supply is completely depleted. We now have to rely on sand from northern counties. Taking sand from inland is very, very expensive. To try to take sand from the coastal communities literally causes a public uproar and threats of litigation. It is our version of water wars. We call them sand wars in Florida.

There is a very easy solution, and that is to allow the counties in south Florida to buy sand from the Bahamas.

What is preventing that?

There is language in a 1986 law—a 1986 WRDA bill written at a time when sand in south Florida was very plentiful. The language prevents State and local governments anywhere in the country from buying foreign sand to replenish their shorelines without the Army Corps first finding—and this requires a study and another study—that there is no domestic sources of sand for environmental or economic reasons. It is one more task that an overburdened agency does not need to perform.

So what this amendment does is it simply strikes that outdated requirement.

Mr. Chairman, I urge Members to help end the sand wars and support my amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. FRANKEL).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. AL GREEN OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 114–790.

Mr. AL GREEN of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, insert the following:

SEC. ___. PRIORITIZATION OF CERTAIN PROJECTS.

The Secretary shall give priority to a project for flood risk management if—

(1) there is an executed project partnership agreement for the project; and

(2) the project is located in an area—

(A) in which there has been a loss of life due to flood events; and

(B) with respect to which the President has declared that a major disaster or emergency exists under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

The Acting CHAIR. Pursuant to House Resolution 892, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, this amendment is one that has received bipartisan support. It is supported by Congressman GENE GREEN of Texas as well as Congressman JOHN CULBERSON of Texas.

This amendment is quite simple. What it does is accord the Army Corps the requirement to prioritize projects wherein we have had a loss of life, a disaster declaration has been issued, there is a partnership agreement in place, and the funds have been authorized for the partnership.

In Texas we have had—and across the country, I might add—floods that are no longer classified as 100-year floods. Indeed, they are being classified as billion-dollar floods. We have had the Memorial Day flood, which was more than $1 billion, and the Tax Day flood, which was more than $1 billion. Between the two, we had more than 15 lives lost—approximately 17 to be more accurate.

This amendment would give us the opportunity to have some of the projects on the Corps' docket completed such that we can eliminate some flooding and minimize additional flooding.

I am honored to say that the Corps is aware of this amendment, and I am grateful to the Rules Committee for making it in order. I thank the chairperson and the ranking member for assistance given as well.

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

Mr. SHUSTER. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for bringing this forward. It is very similar to an amendment that Mr. YOUNG from Iowa brought forward, and I think that was a good amendment. I think this is. So I support it and urge all my colleagues to vote for it.

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

Mr. AL GREEN of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of this amendment.

Many areas have faced severe frequent floods in recent years. Too many of these disasters have deadly consequences for our communities.

Since the beginning of the 114th Congress, more than 200 Americans have died as a result of flooding. In Texas alone, 77 people have perished as a result of flooding in under 2 years. Heavy rains and flooding killed eight people in 1 week this last April.

This amendment would go far to address these tragedies by allowing the Army Corps of Engineers to prioritize flood control projects for areas that have lethal flooding to provide security and peace of mind to residents in these communities.

Both Congressman AL GREEN and I represent different parts of Houston,

Harris County. His area was pretty devastated, along with the northwest part where Congressman MCCAUL represents, and a number of other folks. But there is a reason why we are called the coastal plain in the Houston area, because when it floods, we fill up the bayous, we fill up the rivers, and the only place it goes is in our businesses and in our homes. That is why this amendment is so important.

Mr. Chairman, I urge my colleagues to support this amendment and protect our most vulnerable communities.

Mr. AL GREEN of Texas. Mr. Chairman, I want to thank, again, the chairperson, the ranking member, and the Rules Committee as well.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MS. HERRERA BEUTLER

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 114–790.

Ms. HERRERA BEUTLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I, add the following:

SEC. 1___. WATERCRAFT INSPECTION STATIONS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (d)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—In carrying out this section, the Secretary may establish, operate, and maintain new or existing watercraft inspection stations to protect the Columbia River Basin to be located in the States of Idaho, Montana, Oregon, and Washington at locations, as determined by the Secretary in consultation with such States with the highest likelihood of preventing the spread of aquatic invasive species at reservoirs operated and maintained by the Secretary. The Secretary shall also assist the States referred to in this paragraph with rapid response of any Quagga or Zebra mussel infestation.''.

(B) in paragraph (3) by inserting ''Governors of the'' before ''States''; and

(2) in subsection (e) by striking paragraph (3) and inserting the following:

''(3) assist the States in early detection of Quagga and Zebra mussels;''.

The Acting CHAIR. Pursuant to House Resolution 892, the gentlewoman from Washington (Ms. HERRERA BEUTLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. HERRERA BEUTLER. Mr. Chairman, my amendment is a simple technical correction to clarify congressional intent to assist Northwestern States in prevention and monitoring of aquatic invasive species.

Western States are seeing a troubling spread of quagga and zebra mussels, which are an invasive species that quickly destroy infrastructure for hydropower, water supply, filtration systems, and fisheries.

Once this species becomes established and spreads, it is difficult and very costly to eradicate. In some States, invasive mussels are already costing industries and businesses hundreds of millions of dollars in damage and repair.

For communities in the Columbia River basin, an infestation would be devastating to production of clean, renewable hydropower, which means steep rate hikes for families and businesses that are located in our region and are currently thriving due to the low cost of energy.

Communities would also suffer severe damages to fisheries and boats, putting all users and recreators of the Columbia and Snake River systems at risk.

Prevention is the first line of defense and the cheapest tool to use against invasive species. Watercraft inspection stations are particularly crucial in successful monitoring and detection. These stations intercept thousands of boats from all over the country to inspect and decontaminate.

This is why Congress authorized funds under the 2014 WRRDA to support watercraft inspection stations that protect the Columbia River basin from mussel invasion. Unfortunately, these funds have yet to actually reach the stations due to an ambiguity in the law.

This amendment simply clarifies that funds authorized under WRDA are intended to assist in establishing new watercraft inspection stations and support coverage for existing stations in Northwestern States.

Mr. Chairman, this is a good-government amendment to ensure that Federal funds are being used for the purpose for which Congress intended.

I urge adoption of the amendment.

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

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I want to thank the gentlewoman for bringing this forward.

We are one of the last refuges in the United States free of the zebra mussel, which is incredibly destructive and expensive. This will help us protect the integrity of our vital riverine resources.

I thank the gentlewoman for bringing this forward, and I fully support it.

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

Ms. HERRERA BEUTLER. Mr. Chairman, I thank the gentleman for the support. Let's get this amendment moving.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. HERRERA BEUTLER).

The amendment was agreed to.

□ 1930

Mr. SHUSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMALFA) having assumed the chair, Mr. CARTER of Georgia, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF INDIVIDUAL TO THE SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 703 of the Social Security Act (42 U.S.C. 903), and the order of the House of January 6, 2015, of the following individual on the part of the House to the Social Security Advisory Board for a term of 6 years, effective October 9, 2016:

Ms. Kim Hildred, Alexandria, Virginia

APPOINTMENT OF INDIVIDUAL TO BOARD OF TRUSTEES FOR THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), and the order of the House of January 6, 2015, of the following individual on the part of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of 6 years:

Mr. GREGG HARPER, Pearl, Mississippi

RECESS

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

Accordingly (at 7 o'clock and 32 minutes p.m.), the House stood in recess.

□ 2340

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STIVERS) at 11 o'clock and 40 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5303, WATER RESOURCES DEVELOPMENT ACT OF 2016; PROVIDING FOR CONSIDERATION OF H.R. 6094, REGULATORY RELIEF FOR SMALL BUSINESSES, SCHOOLS, AND NONPROFITS ACT; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 29, 2016, THROUGH NOVEMBER 11, 2016

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 114–794) on the resolution (H. Res. 897) providing for further consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of the bill (H.R. 6094) to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees; and providing for proceedings during the period from September 29, 2016, through November 11, 2016, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE (at the request of Ms. PELOSI) for the first series of votes on account of medical appointments.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1886. An act to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009 and for other purposes; to the Committee on Science, Space, and Technology; in addition, to the Committee on Natural Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on September 26, 2016, she presented to the President of the United States, for his approval, the following bills.

H.R. 5252. To designate the United States Customs and Border Protection Port of Entry located at 1400 Lower Island Road in Tornillo, Texas, as the ''Marcelino Serna Port of Entry''.

H.R. 2615. To establish the Virgin Islands of the United States Centennial Commission.

H.R. 5937. To amend title 36, United States Code, to authorize the American Battle Monuments Commission to acquire, operate, and maintain the Lafayette Escadrille Memorial in Marnes-la-Coquette, France, and for other purposes.

ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, September 28, 2016, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6981. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — System Safeguards Testing Requirements (RIN: 3038-AE30) September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

6982. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — TRICARE; Mental Health and Substance Use Disorder Treatment [DOD-2015-HA-0109] (RIN: 0720-AB65) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

6983. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Qualification Standards for Enlistment, Appointment, and Induction [Docket ID: DOD-2011-OS-0099] (RIN: 0790-AI78) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

6984. A letter from the Deputy Director, ODRM, Department of Health and Human Services, transmitting the Department's Major final rule — Child Care and Development Fund (CCDF) Program (RIN: 0970-AC67) received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

6985. A letter from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting the Department's final rule — Medication Assisted Treatment for Opioid Use Disorders Reporting Requirements (RIN: 0930-AA22) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6986. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Florida; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard [EPA-R04-OAR-2014-0423; FRL-9953-18-Region 4] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6987. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Major New Source Review Permitting [EPA-R06-OAR-2014-0221; FRL-9951-54-Region 6] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6988. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Approval and Promulgation of Implementation Plans; Washington: General Regulations for Air Pollution Sources [EPA-R10-OAR-2016-0493; FRL-9953-04-Region 10] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6989. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Missouri State Implementation Plan for the 2008 Lead Standard [EPA-R07-OAR-2015-0835; FRL-9952-79-Region 7] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chemical Data Reporting; 2016 Submission Period Extension [EPA-HQ-OPPT-2009-0187; FRL-9952-64] (RIN: 2070-AJ43) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6991. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on the August 2016 Section 126 Petition From Delaware [EPA-HQ-OAR-2016-0509; FRL-9952-97-OAR] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6992. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2015-0791; FRL-9951-60] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6993. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flupyradifurone; Pesticide Tolerances [EPA-HQ-OPP-2013-0226; FRL-9951-68] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6994. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country for Six Source Categories [EPA-HQ-OAR-2011-0151; FRL-9952-86-OAR] (RIN: 2060-AR98) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Review of the National Ambient Air Quality Standards for Lead [EPA-HQ-OAR-2010-0108; FRL-9952-87-OAR] (RIN: 2060-AQ44) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6996. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's withdrawal of direct final rule — Technical Correction to the National Ambient Air Quality Standards for Particulate Matter [EPA-HQ-OAR-2016-0408; FRL-9953-20-OAR] (RIN: 2060-AS89) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; TN: Revisions to Logs and Reports for Startups, Shutdowns and Malfunctions [EPA-R04-OAR-2015-0403; FRL-9953-05-Region 4] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6998. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Treatment of Data Influenced by Exceptional Events [EPA-HQ-OAR-2013-0572; EPA-HQ-OAR-2015-0229; FRL-9952-89-OAR] (RIN: 2060-AS02) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

6999. A letter from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 90 of the Commission's Rules to Enable Railroad Police Officers to Access Public Safety Interoperability and Mutual Aid Channels [PS Docket No.: 15-199] (RM-11721) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7000. A letter from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Proposed Amendments to the Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands [PS Docket No.: 13-87]; National Public Safety Telecommunications Council Petition for Rulemaking on Aircraft Voice Operations at 700MHz (RM-11433); National Public Safety Telecommunications Council Petition for Rulemaking to Revise 700 MHz Narrowband Channel Plan (RM-11433); Region 24 700 MHz Regional Planning Committee Petition for Rulemaking [WT Docket No.: 96-86] [PS Docket No.: 06-229]; State of Louisiana Petition for Rulemaking (RM-11577) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7001. A letter from the Chief, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No.: 02-34] received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7002. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eagle Butte, South Dakota) [MB Docket No.: 16-182] (RM-11770) received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7003. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

7004. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Technical Amendments and Recodification of Alaska Humpback Whale Approach Regulations [Docket No.: 150727648-6720-01] (RIN: 0648-BF31) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

7005. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's interim final rule — Approach Regulations for Humpback Whales in the Waters Surrounding the Islands of Hawaii Under the Marine Mammal Protection Act [Docket No.: 160413333-6721-01] (RIN: 0648-BF98) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

7006. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Miscellaneous Changes to Trademark Trial and Appeal Board Rules of Practice [Docket No.: PTO-T-2009-0030] (RIN: 0651-AC35) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

7007. A letter from the Chief Impact Analyst, ORPM, Office of the General Counsel (02REG), VHA, Department of Veterans Affairs, transmitting the Department's interim final rule — Telephone enrollment in the VA healthcare system (RIN: 2900-AP68) received September 23, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

7008. A letter from the Chief, Trade and Commercial Regulations Branch, U.S. Customs and Border Protection, Department of Homeland Security, transmitting the Department's interim regulations — Notice of Arrival for Importations of Pesticides and Pesticidal Devices [Docket No.: USCBP-2016-0061] (CBP Dec. 16-15) (RIN: 1515-AE12) received September 26, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

7009. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final regulations — Modifications to Minimum Present Value Requirements for Partial Annuity Distribution Options under Defined Benefit Pension Plans [TD 9783] (RIN: 1545-BJ55) received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

7010. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Treatment of Amounts Paid to Section 170(c) Organizations under Employer Leave-Based Donation Programs to Aid Victims of Severe Storms and Flooding in Louisiana that Began on August 11, 2016 [Notice 2016-55] received September 22, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CHAFFETZ: Committee on Oversight and Government Reform. Recommending that the House of Representatives find Bryan Pagliano in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform. (Rept. 114–792). Referred to the House Calendar.

Mr. BRADY of Texas: Committee on Ways and Means. H.R. 3608. A bill to amend the Internal Revenue Code of 1986 to exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air; with an amendment (Rept. 114–793). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 897. Resolution providing for further consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of the bill (H.R. 6094) to provide for a 6–month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees; and providing for proceedings during the period from September 29, 2016, through November 11, 2016 (Rept. 114–794). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WELCH (for himself and Mr. GRIFFITH):

H.R. 6174. A bill to amend title III of the Public Health Service Act to limit the orphan drug exclusion under the drug discount program under section 340B of such title; to the Committee on Energy and Commerce.

By Mr. DUNCAN of South Carolina (for himself, Mr. BARLETTA, Mr. LUETKEMEYER, and Mr. BABIN):

H.R. 6175. A bill to amend the Immigration and Nationality Act to facilitate the removal of aliens identified in the terrorist screening database, and for other purposes; to the Committee on the Judiciary.

By Mr. SCALISE (for himself, Mr. CUELLAR, Mr. MARINO, Mr. GENE GREEN of Texas, Mr. STIVERS, Mr. ROGERS of Alabama, Mr. WEBER of Texas, Mr. FLEISCHMANN, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. HENSARLING, Mr. SMITH of Missouri, Mr. GROTHMAN, Mr. ABRAHAM, Mr. DESJARLAIS, Mr. SMITH of Texas, Mr. JORDAN, Mr. JOHNSON of Ohio, Mr. HUDSON, Mr. WALBERG, Mr. SMITH of Nebraska, Mr. CRAMER, Mr. BURGESS, Mr. JOYCE, Mrs. BLACK, Mr. MARCHANT, Mr. BOUSTANY, Mrs. WALORSKI, Mr. HARPER, Mr. YOUNG of Alaska, Mr. JODY B. HICE of Georgia, Mr. KLINE, Mr. WOMACK, Mr. COLLINS of Georgia, Mr. GOSAR, Mr. KELLY of Pennsylvania, Mr. PEARCE, Mr. COLLINS of New York, Mr. CHABOT, Mr. ISSA, Mr. GIBSON, Mr. PETERSON, Mr. EMMER of Minnesota, Mr. ZINKE, Mr. WENSTRUP, Mr. STEWART, Mr. FLEMING, Mr. TIBERI, Mr. COOK, Mr.

MCHENRY, Mr. RENACCI, Mr. BISHOP of Utah, Mr. AMODEI, Mr. ROONEY of Florida, Mr. MCKINLEY, Mr. FLORES, Mr. MILLER of Florida, Mr. WESTERMAN, Mr. MCCAUL, Mr. LATTA, Mr. GOODLATTE, Mr. DESANTIS, Mrs. BLACKBURN, and Mr. GOWDY):

H.R. 6176. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Foreign Affairs.

By Mr. DEFAZIO:

H.R. 6177. A bill to require the Administrator of the Office of Information and Regulatory Affairs and the head of each Federal agency to increase transparency in the regulatory review process, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER (for himself and Mrs. BUSTOS):

H.R. 6178. A bill to amend title 23, United States Code, with respect to apportionments to States for certain highway programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TED LIEU of California:

H.R. 6179. A bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress; to the Committee on Foreign Affairs.

By Mrs. LOVE (for herself, Mr. ZELDIN, and Mrs. LUMMIS):

H.R. 6180. A bill to authorize the State of Utah to select lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes; to the Committee on Natural Resources.

By Ms. VELÁZQUEZ (for herself, Mr. MEEKS, and Mr. JEFFRIES):

H.R. 6181. A bill to authorize programs and activities to support transportation options in areas with limited access to public transportation due to extensive repair or reconstruction projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GIBBS:

H.R. 6182. A bill to amend the Federal Water Pollution Control Act to provide for an integrated planning and permitting process, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. JONES):

H.R. 6183. A bill to neutralize the discriminatory effect of any country that employs indirect taxes and grants rebates of the same upon export if United States trade negotiating objectives regarding border tax treatment are not met; to the Committee on Ways and Means.

By Mr. DOLD (for himself and Mr. SCHRADER):

H.R. 6184. A bill to amend title XVIII of the Social Security Act to provide for a special enrollment period under Medicare for individuals enrolled in COBRA continuation coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE of New York:

H.R. 6185. A bill to provide for further comprehensive research at the National Institute of Neurological Disorders and Stroke on unruptured intracranial aneurysms; to the Committee on Energy and Commerce.

By Mr. DUFFY (for himself, Mr. CONNOLLY, Mr. COLE, Mr. VISCLOSKY, Mr. MEADOWS, Mrs. LAWRENCE, Mr. GOHMERT, and Ms. NORTON):

H.R. 6186. A bill to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself, Mr. MURPHY of Pennsylvania, Mr. BISHOP of Georgia, Mr. TAKANO, Mr. RYAN of Ohio, Mr. JONES, Mr. RUPPERSBERGER, Mr. MCDERMOTT, and Mr. VEASEY):

H.R. 6187. A bill to establish in the Department of Veterans Affairs a pilot program instituting a clinical observation program for pre-med students preparing to attend medical school; to the Committee on Veterans' Affairs.

By Ms. KUSTER (for herself, Mrs. KIRKPATRICK, Mr. SEAN PATRICK MALONEY of New York, and Ms. LEE):

H.R. 6188. A bill to direct the Secretary of Education to carry out a grant program for early childhood STEM activities; to the Committee on Education and the Workforce.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 6189. A bill to withdraw certain Bureau of Land Management land from mineral development; to the Committee on Natural Resources.

By Ms. MCSALLY:

H.R. 6190. A bill to establish Chiricahua National Park in Arizona as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ROSS:

H.R. 6191. A bill to amend the Internal Revenue Code of 1986 to include student loan repayers as members of targeted groups for purposes of the work opportunity credit and to provide for a credit against tax for student loan program startup costs; to the Committee on Ways and Means.

By Mr. SANFORD:

H.R. 6192. A bill to amend title 10, United States Code, to permit the Secretary of Defense to transfer excess personal property of the Department of Defense to law enforcement agencies only by means of auction, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 6193. A bill to establish the National Freight Mobility Infrastructure Fund, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VEASEY (for himself, Ms. SEWELL of Alabama, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Mr. TED LIEU of California, and Mr. POCAN):

H.R. 6194. A bill to prohibit the enforcement of any requirement that an individual produce a photo identification as a condition of registering to vote or voting in an election for Federal office unless the requirement was in effect as of June 25, 2013; to the Committee on House Administration.

By Mr. FLORES:

H. Con. Res. 163. Concurrent resolution commemorating the 100th anniversary of the 1916 opening of the Texas A&M College of Veterinary Medicine & Biomedical Sciences and the 2016 opening of the new Texas A&M Veterinary & Biomedical Education complex in College Station, Texas; to the Committee on Agriculture.

By Mr. VEASEY (for himself, Ms. SEWELL of Alabama, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Mr. TED LIEU of California, and Mr. POCAN):

H. Con. Res. 164. Concurrent resolution expressing the support for the passage of the Voting Rights Advancement Act of 2015; to the Committee on the Judiciary.

By Mr. WEBER of Texas (for himself and Mr. FRANKS of Arizona):

H. Res. 896. A resolution recognizing the significance of the United States relationship with the Republic of Moldova and encouraging United States support for anticorruption efforts and strengthening democratic institutions; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WELCH:

H.R. 6174.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. DUNCAN of South Carolina:

H.R. 6175.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 grants Congress the right to set forth rules for Naturalization.

By Mr. SCALISE:

H.R. 6176.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of the Constitution gives Congress the power to regulate commerce with foreign countries and among the states. The Export Reform Control Act addresses the rules of commerce for certain items currently on the United States Munitions List, directing them to be moved to the Department of Commerce's Commerce Control List.

By Mr. DEFAZIO:

H.R. 6177.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. FOSTER:

H.R. 6178.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 and Clause 3.

By Mr. TED LIEU of California:

H.R. 6179.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution, which grants Congress the power to declare war.

By Mrs. LOVE:

H.R. 6180.

Congress has the power to enact this legislation pursuant to the following:

Article IV Section 3 of the United States Constitution

By Ms. VELÁZQUEZ:

H.R. 6181.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GIBBS:

H.R. 6182.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).

By Mr. PASCRELL:

H.R. 6183.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DOLD:

H.R. 6184.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Ms. CLARKE of New York:

H.R. 6185.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. DUFFY:

H.R. 6186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. KAPTUR:

H.R. 6187.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. KUSTER:

H.R. 6188.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 6189.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Ms. MCSALLY:

H.R. 6190.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1, Clause 1:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and Huse of Representatives.

Article IV, Section 3, Clause 2:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. ROSS:

H.R. 6191.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, Clause 1.

By Mr. SANFORD:

H.R. 6192.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII of the United States Constitution

By Mr. SMITH of Washington:

H.R. 6193.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—''To regulate Commerce with foreign Nations, and among the several States, and within the Indian Tribes.''

By Mr. VEASEY:

H.R. 6194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause I—The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as the Places of choosing Senators.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 188: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 213: Mr. O'ROURKE, Mr. LANGEVIN, Mr. COFFMAN, Mr. FLEISCHMANN, and Ms. MATSUI.

H.R. 379: Ms. KAPTUR and Mr. JOLLY.

H.R. 546: Mr. SCHRADER and Mr. DENT.

H.R. 662: Mr. HARDY and Ms. JENKINS of Kansas.

H.R. 704: Mr. RUPPERSBERGER.

H.R. 746: Ms. BROWNLEY of California and Mr. LARSON of Connecticut.

H.R. 842: Mr. YOUNG of Iowa.

H.R. 1061: Mr. PAYNE, Mr. NORCROSS, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CASTRO of Texas, Ms. VELÁZQUEZ, Mr. SWALWELL of California, Mrs. LOWEY, Mr. HONDA, Ms. KUSTER, Ms. CLARKE of New York, Mr. COSTELLO of Pennsylvania, Mr. COHEN, Mr. KEATING, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. PERLMUTTER, and Mr. DOGGETT.

H.R. 1095: Mr. YARMUTH and Mr. SERRANO.

H.R. 1102: Mr. O'ROURKE.

H.R. 1151: Mr. ALLEN.

H.R. 1192: Mr. RICE of South Carolina.

H.R. 1197: Ms. PLASKETT.

H.R. 1282: Mr. SARBANES and Mr. HASTINGS.

H.R. 1312: Mr. CUELLAR.

H.R. 1347: Mr. GUTIÉRREZ.

H.R. 1706: Ms. MENG.

H.R. 2102: Mr. STIVERS.

H.R. 2116: Ms. LOFGREN and Mr. RANGEL.

H.R. 2170: Mr. ASHFORD.

H.R. 2224: Mr. VARGAS and Mr. GRIJALVA.

H.R. 2280: Mr. ZELDIN.

H.R. 2302: Mr. NORCROSS.

H.R. 2434: Mr. BARLETTA.

H.R. 2493: Mr. MCNERNEY.

H.R. 2656: Mr. ALLEN.

H.R. 2660: Mr. NADLER.

H.R. 2715: Mr. NADLER.

H.R. 2717: Mr. HONDA, Mr. LOWENTHAL, Ms. SPEIER, Mr. QUIGLEY, Mr. MCNERNEY, Ms. KAPTUR, Mr. KILMER, Mr. THOMPSON of California, Mr. GARAMENDI, Mr. BECERRA, Ms. ESHOO, and Ms. LOFGREN.

H.R. 2799: Ms. WASSERMAN SCHULTZ.

H.R. 2844: Mr. CLAY.

H.R. 2875: Mr. CUMMINGS and Mr. O'ROURKE.

H.R. 2889: Mr. LANGEVIN, Ms. WILSON of Florida, and Mr. CICILLINE.

H.R. 2894: Mr. HECK of Washington.

H.R. 2991: Mr. MEEKS.

H.R. 3061: Mr. LYNCH and Mr. LANGEVIN.

H.R. 3099: Mr. GRIJALVA.

H.R. 3355: Mr. CULBERSON.

H.R. 3411: Mr. GRAYSON and Mrs. LAWRENCE.

H.R. 3522: Mr. MURPHY of Florida and Mr. SERRANO.

H.R. 3562: Mr. SEAN PATRICK MALONEY of New York.

H.R. 3632: Mrs. WATSON COLEMAN and Ms. VELÁZQUEZ.

H.R. 3696: Ms. EDWARDS.

H.R. 3846: Mr. HARPER and Mr. WILSON of South Carolina.

H.R. 4151: Mr. LOBIONDO.

H.R. 4272: Mr. HIMES.

H.R. 4277: Ms. MCCOLLUM, Mr. DESAULNIER, and Mr. AGUILAR.

H.R. 4298: Mr. FRANKS of Arizona, Mr. BYRNE, Mrs. WALORSKI, and Mr. LUETKEMEYER.

H.R. 4365: Ms. MCSALLY.

H.R. 4399: Mr. GRAYSON.

H.R. 4423: Mr. POLLS.

H.R. 4514: Ms. FUDGE.

H.R. 4526: Mr. TONKO.

H.R. 4559: Mr. STIVERS and Mr. LUCAS.

H.R. 4616: Mr. VISCLOSKY.

H.R. 4657: Mr. DEFAZIO.

H.R. 4764: Mrs. NAPOLITANO and Mr. GROTHMAN.

H.R. 4818: Mr. CRENSHAW and Mr. ROONEY of Florida.

H.R. 4907: Mr. DIAZ-BALART.

H.R. 4980: Mr. SMITH of Missouri and Mr. CHABOT.

H.R. 5018: Mr. HUFFMAN.

H.R. 5082: Mr. ROONEY of Florida.

H.R. 5083: Ms. LOFGREN and Mr. GENE GREEN of Texas.

H.R. 5143: Mr. GROTHMAN.

H.R. 5182: Mr. LOEBSACK.

H.R. 5224: Mr. ALLEN and Mr. BOUSTANY.

H.R. 5237: Mr. YOUNG of Iowa.

H.R. 5265: Mr. HONDA.

H.R. 5301: Mr. GRAVES of Missouri and Mr. BARR.

H.R. 5418: Mr. PALAZZO.

H.R. 5600: Ms. DUCKWORTH, Mrs. MIMI WALTERS of California, and Mr. AMODEI.

H.R. 5624: Mr. GENE GREEN of Texas.

H.R. 5650: Mr. GENE GREEN of Texas, Mr. MILLER of Florida, and Mr. MEEHAN.

H.R. 5727: Mr. MCCAUL.

H.R. 5732: Mr. STEWART, Mr. FOSTER, Mrs. WAGNER, Mr. ROKITA, and Mr. SMITH of Washington.

H.R. 5745: Mrs. NAPOLITANO, Ms. SLAUGHTER, and Mr. CONYERS.

H.R. 5764: Mr. HONDA.

H.R. 5812: Mr. BABIN.

H.R. 5828: Ms. LEE, Mr. RUSH, and Mr. SWALWELL of California.

H.R. 5829: Mr. NEUGEBAUER.

H.R. 5904: Mr. AUSTIN SCOTT of Georgia.

H.R. 5940: Mr. CRAMER.

H.R. 5951: Mr. THORNBERRY and Mr. CULBERSON.

H.R. 5954: Ms. TITUS.

H.R. 5961: Ms. SLAUGHTER and Mrs. HARTZLER.

H.R. 5972: Ms. KUSTER.
H.R. 5980: Mr. JOLLY, Mrs. HARTZLER, Ms. SPEIER, Ms. JUDY CHU of California, Mr. CONYERS, Ms. NORTON, Mr. O'ROURKE, and Mr. SCHRADER.
H.R. 5989: Mr. LIPINSKI, Mr. LATTA, Mr. FOSTER, Mr. HULTGREN, and Mr. ROHRABACHER.
H.R. 5994: Mr. BOUSTANY.
H.R. 5996: Ms. NORTON and Mr. MCCAUL.
H.R. 5999: Mr. KATKO.
H.R. 6020: Mr. SESSIONS.
H.R. 6021: Mr. SESSIONS.
H.R. 6030: Mr. HONDA and Mr. GRIJALVA.
H.R. 6045: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6067: Mr. FRANKS of Arizona.
H.R. 6072: Mr. VEASEY and Mr. COHEN.
H.R. 6088: Mr. PETERSON and Mr. ROKITA.
H.R. 6094: Mr. MULLIN, Mr. YOUNG of Iowa, Mr. EMMER of Minnesota, Mr. SAM JOHNSON of Texas, and Mr. SIMPSON.
H.R. 6100: Mr. TURNER, Mr. DUFFY, Mr. GOWDY, Mr. MCCLINTOCK, Mrs. LOVE, Mr. WESTERMAN, Mr. KING of Iowa, Mrs. NOEM, and Mr. BROOKS of Alabama.
H.R. 6109: Ms. LINDA T. SÁNCHEZ of California.
H.R. 6116: Mr. BLUMENAUER.
H.R. 6131: Mr. PALMER and Mr. ROTHFUS.
H.R. 6133: Ms. SLAUGHTER.
H.R. 6142: Mr. DENT.
H.R. 6161: Ms. KUSTER.
H.R. 6164: Mr. ELLISON.
H.R. 6168: Ms. VELÁZQUEZ and Mr. FARR.
H.R. 6173: Mr. MCGOVERN and Ms. CLARK of Massachusetts.
H.J. Res. 94: Ms. SLAUGHTER, Mr. LOWENTHAL, and Mr. VISCLOSKY.
H. Con. Res. 29: Ms. LOFGREN.
H. Con. Res. 40: Mrs. BUSTOS.
H. Con. Res. 87: Mr. DUNCAN of South Carolina.
H. Con. Res. 140: Mr. POLIQUIN, Mr. TIPTON, Mr. ISRAEL, Mr. JEFFRIES, Mrs. TORRES, Mr. MULLIN, Mr. COFFMAN, Mr. AUSTIN SCOTT of Georgia, Mr. YODER, Mr. HUNTER, Mr. KINZINGER of Illinois, and Mr. CRAMER.
H. Con. Res. 159: Mr. LEWIS and Ms. ROS-LEHTINEN.
H. Con. Res. 161: Mr. COURTNEY.
H. Res. 289: Ms. ESHOO.
H. Res. 590: Mr. MICA.
H. Res. 703: Mr. COHEN, Mr. GRAYSON, Mr. GRIJALVA, and Mrs. LAWRENCE.
H. Res. 750: Mr. GIBSON.
H. Res. 782: Mr. MASSIE.
H. Res. 829: Mrs. HARTZLER.
H. Res. 836: Mr. YOHO.
H. Res. 840: Mr. PASCRELL.
H. Res. 850: Mr. TED LIEU of California.
H. Res. 853: Mr. COLE.
H. Res. 867: Mr. DANNY K. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. SEAN PATRICK MALONEY of New York, Ms. EDWARDS, Mr. CONYERS, Mr. GRIJALVA, Mr. KEATING, Ms. LEE, Ms. BONAMICI, Ms. JUDY CHU of California, Ms. MOORE, Ms. DELAURO, Mr. LOWENTHAL, Ms. KUSTER, Ms. JACKSON LEE, Mr. CLAY, Mr. ASHFORD, Mr. HASTINGS, Mr. MCNERNEY, Ms. LOFGREN, Ms. SEWELL of Alabama, and Mr. ENGEL.
H. Res. 882: Ms. PINGREE, Mr. CURBELO of Florida, Mr. SWALWELL of California, Mr. QUIGLEY, Ms. TSONGAS, and Mr. KEATING.
H. Res. 884: Mr. GROTHMAN.
H. Res. 887: Mr. CONYERS and Mr. COHEN.
H. Res. 891: Mr. FORTENBERRY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. SHUSTER

The Manager's amendment to H.R 5303 (the Water Resources Development Act of 2016) that I filed with the Committee on Rules does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. KLINE

Mr. Speaker, the provisions that warranted a referral to the Committee on Education and the Workforce in H.R. 6094 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5303

OFFERED BY: MR. KILDEE

AMENDMENT NO.: Add at the end the following:

TITLE V—DRINKING WATER

SEC. 501. DRINKING WATER INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE STATE.—The term ''eligible State'' means a State for which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to the public health threats associated with the presence of lead or other contaminants in a public drinking water supply system.

(2) ELIGIBLE SYSTEM.—The term ''eligible system'' means a public drinking water supply system that has been the subject of an emergency declaration referred to in paragraph (1).

(b) STATE REVOLVING LOAN FUND ASSISTANCE.—

(1) IN GENERAL.—An eligible system shall be—

(A) considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)); and

(B) eligible to receive loans with additional subsidization under that Act (42 U.S.C. 300f et seq.), including forgiveness of principal under section 1452(d)(1) of that Act (42 U.S.C. 300j–12(d)(1)).

(2) AUTHORIZATION.—

(A) IN GENERAL.—Using funds provided under subsection (e)(1)(A), an eligible State may provide assistance to an eligible system within the eligible State, for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of public and private drinking water infrastructure.

(B) INCLUSION.—Assistance provided under subparagraph (A) may include additional subsidization under the Safe Drinking Water Act (42 U.S.C. 300f et seq.), as described in paragraph (1)(B).

(C) EXCLUSION.—Assistance provided under subparagraph (A) shall not include assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) LIMITATION.—Section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(2)) shall not apply to—

(A) any funds provided under subsection (e)(1)(A); or

(B) any other loan provided to an eligible system.

(c) WATER INFRASTRUCTURE FINANCING.—

(1) SECURED LOANS.—

(A) IN GENERAL.—Using funds provided under subsection (e)(2)(A), the Administrator may make a secured loan under the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) to—

(i) an eligible State to carry out a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905) to address lead or other contaminants in drinking water in an eligible system, including repair and replacement of public and private drinking water infrastructure; and

(ii) any eligible entity under section 5025 of that Act (33 U.S.C. 3904) for a project eligible under paragraphs (2) through (9) of section 5026 of that Act (33 U.S.C. 3905).

(B) AMOUNT.—Notwithstanding section 5029(b)(2) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(2)), the amount of a secured loan provided under subparagraph (A)(i) may be equal to not more than 80 percent of the reasonably anticipated costs of the projects.

(2) FEDERAL INVOLVEMENT.—Notwithstanding section 5029(b)(9) of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3908(b)(9)), any costs for a project to address lead or other contaminants in drinking water in an eligible system that are not covered by a secured loan under paragraph (1) may be covered using amounts in the State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(d) NONDUPLICATION OF WORK.—An activity carried out pursuant to this section shall not duplicate the work or activity of any other Federal or State department or agency.

(e) FUNDING.—

(1) ADDITIONAL DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall make available to the Administrator a total of $100,000,000 to provide additional grants to eligible States pursuant to section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to be available for a period of 18 months beginning on the date on which the funds are made available, for the purposes described in subsection (b)(2), and after the end of the 18-month period, until expended for the purposes described in subparagraph(C).

(B) SUPPLEMENTED INTENDED USE PLANS.—From funds made available under subparagraph (A), the Administrator shall obligate to an eligible State such amounts as are necessary to meet the needs identified in a supplemented intended use plan by not later than 30 days after the date on which the eligible State submits to the Administrator a supplemented intended use plan under section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j-12(b)) that includes preapplication information regarding projects to be funded using the additional assistance, including, with respect to each such project—

(i) a description of the project;

(ii) an explanation of the means by which the project will address a situation causing a declared emergency in the eligible State;

(iii) the estimated cost of the project; and

(iv) the projected start date for construction of the project.

(C) UNOBLIGATED AMOUNTS.—Of any amounts made available to the Administrator under subparagraph (A) that are unobligated on the date that is 18 months after the date on which the amounts are made available shall be available to provide additional grants to States to capitalize State loan funds as provided under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(D) APPLICABILITY.—Section 1452(b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)(1)) shall not apply to a supplement to an intended use plan under subparagraph (B).

(2) WIFIA FUNDING.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Treasury shall make available to the Administrator $70,000,000 to provide credit subsidies, in consultation with the Director of the Office of Management and Budget, for secured loans under subsection (c)(1)(A) with a goal of providing secured loans totaling at least $700,000,000.

(B) USE.—Secured loans provided pursuant to subparagraph (A) shall be available to carry out activities described in subsection (c)(1)(A).

(C) EXCLUSION.—Of the amounts made available under subparagraph (A), $20,000,000 shall not be used to provide assistance for a project that is financed (directly or indirectly), in whole or in part, with proceeds of any obligation issued after the date of enactment of this Act—

(i) the interest of which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986; or

(ii) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

(3) APPLICABILITY.—Unless explicitly waived, all requirements under the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3901 et seq.) shall apply to funding provided under this subsection.

(f) HEALTH EFFECTS EVALUATION.—

(1) IN GENERAL.—Pursuant to section 104(i)(1)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(1)(E)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall in coordination with other agencies, as appropriate, conduct voluntary surveillance activities to evaluate any adverse health effects on individuals exposed to lead from drinking water in the affected communities.

(2) CONSULTATIONS.—Pursuant to section 104(i)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(4)), and on receipt of a request of an appropriate State or local health official of an eligible State, the Director of the Agency for Toxic Substances and Disease Registry of the National Center for Environmental Health shall provide consultations regarding health issues described in paragraph (1).

SEC. 502. LOAN FORGIVENESS.

The matter under the heading ''State and Tribal Assistance Grants'' under the heading ''ENVIRONMENTAL PROTECTION AGENCY'' in title II of division G of the Consolidated Appropriations Act, 2016 (Public Law 114–113), is amended in paragraph (1), by striking the semicolon at the end and inserting the following: ''or, if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply, before the date of enactment of this Act: *Provided further*, That in a State in which such an emergency declaration has been issued, the State may use more than 20 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;''.

SEC. 503. REGISTRY FOR LEAD EXPOSURE AND ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means a city exposed to lead contamination in the local drinking water system.

(2) COMMITTEE.—The term ''Committee'' means the Advisory Committee established under subsection (c).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) LEAD EXPOSURE REGISTRY.—The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or another relevant agency at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—

(A) IN GENERAL.—The Secretary shall establish an advisory committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

(i) an epidemiologist;

(ii) a toxicologist;

(iii) a mental health professional;

(iv) a pediatrician;

(v) an early childhood education expert;

(vi) a special education expert;

(vii) a dietician; and

(viii) an environmental health expert.

(B) REQUIREMENTS.—Membership in the Committee shall not exceed 15 members and not less than 1/2 of the members shall be Federal members.

(2) CHAIR.—The Secretary shall designate a chair from among the Federal members appointed to the Committee.

(3) TERMS.—Members of the Committee shall serve for a term of not more than 3 years and the Secretary may reappoint members for consecutive terms.

(4) APPLICATION OF FACA.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) RESPONSIBILITIES.—The Committee shall, at a minimum—

(A) review the Federal programs and services available to individuals and communities exposed to lead;

(B) review current research on lead poisoning to identify additional research needs;

(C) review and identify best practices, or the need for best practices, regarding lead screening and the prevention of lead poisoning;

(D) identify effective services, including services relating to healthcare, education, and nutrition for individuals and communities affected by lead exposure and lead poisoning, including in consultation with, as appropriate, the lead exposure registry as established in subsection (b); and

(E) undertake any other review or activities that the Secretary determines to be appropriate.

(6) REPORT.—Annually for 5 years and thereafter as determined necessary by the Secretary or as required by Congress, the Committee shall submit to the Secretary, the Committees on Finance, Health, Education, Labor, and Pensions, and Agriculture, Nutrition, and Forestry of the Senate and the Committees on Education and the Workforce, Energy and Commerce, and Agriculture of the House of Representatives a report that includes—

(A) an evaluation of the effectiveness of the Federal programs and services available to individuals and communities exposed to lead;

(B) an evaluation of additional lead poisoning research needs;

(C) an assessment of any effective screening methods or best practices used or developed to prevent or screen for lead poisoning;

(D) input and recommendations for improved access to effective services relating to healthcare, education, or nutrition for individuals and communities impacted by lead exposure; and

(E) any other recommendations for communities affected by lead exposure, as appropriate.

(d) MANDATORY FUNDING.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary, to be available during the period of fiscal years 2016 through 2020—

(A) $17,500,000 to carry out subsection (b); and

(B) $2,500,000 to carry out subsection (c).

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsections (b) and (c) the funds transferred under subparagraphs (A) and (B) of paragraph (1), respectively, without further appropriation.

SEC. 504. ADDITIONAL FUNDING FOR CERTAIN CHILDHOOD HEALTH PROGRAMS.

(a) CHILDHOOD LEAD POISONING PREVENTION PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Director of the Centers for Disease Control and Prevention, to be available during the period of fiscal years 2017 and 2018, $10,000,000 for the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1).

(2) RECEIPT AND ACCEPTANCE.—The Director of the Centers for Disease Control and Prevention shall be entitled to receive, shall accept, and shall use to carry out the childhood lead poisoning prevention program authorized under section 317A of the Public Health Service Act (42 U.S.C. 247b-1) the funds transferred under paragraph (1), without further appropriation.

(b) HEALTHY HOMES PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Housing and Urban Development, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Housing and Urban Development shall be entitled to receive, shall accept, and shall use to carry out the Healthy Homes Initiative of the Department of Housing and Urban Development the funds transferred under paragraph (1), without further appropriation.

(c) HEALTHY START PROGRAM.—

(1) IN GENERAL.—On the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Health Resources and Services Administration, to be available during the period of fiscal years 2017 and 2018, $10,000,000 to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8).

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Health Resources and Services Administration shall be entitled to receive, shall accept, and shall use to carry out the Healthy Start Initiative under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) the funds transferred under paragraph (1), without further appropriation.

SEC. 505. REVIEW AND REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Inspector General of the Environmental Protection Agency shall submit to the Committees on Appropriations, Environment and Public Works, and Homeland Security and Governmental Affairs of the Senate and the Committees on Appropriations, Energy and Commerce, Transportation and Infrastructure, and Oversight and Government Reform of the House of Representatives a report on the status of any ongoing investigations into the Federal and State response to the contamination of the drinking water supply of the City of Flint, Michigan.

(b) REVIEW.—Not later than 30 days after the completion of the investigations described in subsection (a), the Comptroller General of the United States shall commence a review of issues that are not addressed by the investigations and relating to—

(1) the adequacy of the response by the State of Michigan and the City of Flint to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response, as well as the capacity of the State and City to manage the drinking water system; and

(2) the adequacy of the response by Region 5 of the Environmental Protection Agency to the drinking water crisis in Flint, Michigan, including the timeliness and transparency of the response.

(c) CONTENTS OF REPORT.—Not later than 1 year after commencing each review under subsection (b), the Comptroller General of the United States shall submit to Congress a report that includes—

(1) a statement of the principal findings of the review; and

(2) recommendations for Congress and the President to take any actions to prevent a similar situation in the future and to protect public health.

SEC. 506. NOTICE TO PERSONS SERVED.

(a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

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

''(D) Notice of any exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, including the concentrations of lead found in a monitoring activity.'';

(2) in paragraph (2)—

(A) in subparagraph (C)(iii)—

(i) by striking ''Administrator or'' and inserting ''Administrator, the Director of the Centers for Disease Control and Prevention, and, if applicable,''; and

(ii) by inserting ''and the appropriate State and county health agencies'' after ''1413'';

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

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

''(D) EXCEEDANCE OF LEAD ACTION LEVEL.—Regulations issued under subparagraph (A) shall specify notification procedures for an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

''(3) NOTIFICATION OF THE PUBLIC RELATING TO LEAD.—

''(A) EXCEEDANCE OF LEAD ACTION LEVEL.—Not later than 15 days after the date of an exceedance of a lead action level or any other prescribed level of lead in a regulation issued under section 1412, the Administrator shall notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity.

''(B) RESULTS OF LEAD MONITORING.—

''(i) IN GENERAL.—The Administrator may provide notice of any result of lead monitoring conducted by a public water system to—

''(I) any person that is served by the public water system; or

''(II) the local or State health department of a locality or State in which the public water system is located.

''(ii) FORM OF NOTICE.—The Administrator may provide the notice described in clause (i) by—

''(I) press release; or

''(II) other form of communication, including local media.

''(C) PRIVACY.—Notice to the public shall protect the privacy of individual customer information.''; and

(5) by adding at the end the following:

''(6) STRATEGIC PLAN.—Not later than 120 days after the date of enactment of this paragraph, the Administrator, in collaboration with States and owners and operators of public water systems, shall establish a strategic plan for how the Administrator, a State with primary enforcement responsibility, and the owners and operators of public water systems shall conduct targeted outreach, education, technical assistance, and risk communication to populations affected by lead in a public water system.''.

(b) CONFORMING AMENDMENTS.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking ''paragraph (2)(E)'' and inserting ''paragraph (2)(F)'';

(2) in paragraph (2)(B)(i)(II), by striking ''subparagraph (D)'' and inserting ''subparagraph (E)''; and

(3) in paragraph (4)(B) (as redesignated by subsection (a)(3)), in the first sentence, by striking ''(D)'' and inserting ''(E)''.

SEC. 507. OFFSET.

None of the funds available to the Secretary of Energy to provide any credit subsidy under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) as of the date of enactment of this Act shall be obligated for new loan commitments under that subsection on or after October 1, 2020.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162 WASHINGTON, TUESDAY, SEPTEMBER 27, 2016 *No. 146*

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, do not stand far from us, for we need You every hour.

May our lawmakers remember that their success comes from You. Give them the wisdom to seek justice, to love mercy, and to walk humbly with You. Lord, free them from any entanglements that dishonor You. Protect them from dangers, seen and unseen, as they strive to return good for evil. When they feel overwhelmed, remind them that, in everything, You are working for the good of those who love You.

Help us all to strive to glorify You in every action, both large and small.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

HEARING ON THE PRESIDENT'S POWER PLAN

Mr. MCCONNELL. Mr. President, today the U.S. Court of Appeals for the D.C. Circuit will hear arguments in the case challenging the merits of the President's so-called Clean Power Plan. My home State of Kentucky is one of more than two dozen States that have signed on to that suit, and I have been proud to lead efforts in support of the Commonwealth on this issue. In fact, I joined Chairman INHOFE, more than 30 other Senators, and more than 170 Representatives in filing an amicus brief to push back on the President's power grab.

I was pleased that the Supreme Court stepped in earlier this year to issue an unprecedented stay of this plan until the Federal courts review it.

In light of the court's hold on the plan, I wrote a letter encouraging the Governors of all 50 States to take advantage of this much-needed reprieve and to adopt a wait-and-see approach before complying with the plan's standards.

As I noted then, the President's plan is yet another example of Executive overreach patterned after this administration's political and ideological agenda, rather than scientific evidence.

This massive regulatory overreach would cause energy bills to skyrocket. It would strike at the most vulnerable. It would ship middle class jobs overseas. It would bring further harm to families like those in Kentucky who have been devastated by this administration's anticoal policies. And it would do little to nothing to actually achieve its intended purpose—reducing global emissions.

This plan, which I have long believed may not be upheld in court, could place significant legal and economic burdens on our States. That is why I have encouraged them to take advantage of the court's stay as we await a final ruling.

I look forward to today's hearing, which is an important step in determining whether the President's misguided plan will survive legal scrutiny.

CONTINUING RESOLUTION

Mr. MCCONNELL. Mr. President, I wish to bring a little perspective to today's vote on the clean CR-Zika package. Remember, this is a 10-week funding bill. Its contents command broad support. It contains zero controversial riders from either party.

Can it really be that Democratic leaders have embraced dysfunction so thoroughly that they attack a noncontroversial 10-week funding bill over—what exactly? Now, remember, the reason we are in this position is that our friends on the other side didn't want to have a regular appropriations process. Does anybody know what the issue is? Do they even know?

The rationale seems to change by the hour. What we do know is it has almost nothing to do with what is actually in the bill. They have agreed to its spending levels, so it isn't that. They have agreed to its compromise Zika package, so it can't be that. They have agreed with us to help veterans and those hurt by floods and the heroin and prescription opioid crisis, too, so it can't be that either.

We also know that the Senate has already voted to pass assistance for families affected by lead poisoning in Flint—in its proper vehicle—the Water Resources Development Act, with Chairman INHOFE pledging to continue to pursue resources for Flint once the bill goes to conference. So Flint can't really be an issue either. And the White House said yesterday that the WRDA bill is an appropriate vehicle for the Flint funding.

It is almost as if a few Democratic leaders decided long ago that bringing our country to the brink would make for good election-year politics, and then they have just made up a rationale as they go along. But that couldn't really be true, could it? Could it be true?

That would mean Democrats have been playing politics with the lives of expectant mothers and babies suffering from Zika after a few months ago demanding immediate action. That would mean Democrats have been playing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

politics with the lives of those struggling with the heroin and prescription opioid crisis after promising they would help. That would mean Democrats have been playing politics with the lives of flood victims after saying they cared.

I know our Democratic friends wouldn't want the American people to think that.

I hope every one of our Democratic friends will show us today that they are actually serious about supporting veterans and tackling Zika and flood relief and the heroin and prescription opioid crisis, and we all know the way to do that is by supporting the legislation before us that actually does those things.

This 10-week funding bill need not be, as some Democratic leaders seem to wish, some titanic struggle for the ages. It is just a 10-week funding bill. It is hard to believe Democrats would really be willing to hold up this commonsense package and its critical resources to address Zika, the heroin and prescription opioid epidemic, and floods.

The clean CR-Zika package before us is fair. It is a result of literally weeks of bipartisan negotiations. It does the very things Members of both parties and, more importantly, our constituents have been calling for.

We really cannot afford to delay any longer. Passing this clean CR-Zika package should be one of the easiest votes we cast.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess from 3 p.m. until 4 p.m. today for an all-Senators briefing; further, that the time from 10:45 a.m. until 11:30 a.m. be under the control of the majority, and 4 p.m. until 5 p.m. be under the control of the Democrats.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONTINUING RESOLUTION

Mr. REID. Mr. President, the Republican leader just said: What are the Democrats trying to do, have built-in dysfunction?

During the 8 years I was majority leader, we had to overcome 644 filibusters led by the Republicans—644. A comparable time: Lyndon Johnson, who was the majority leader for 6 years, had to overcome one and, arguably, two filibusters. Two compared to 644, so don't lecture us on building dysfunction. They have invented it in the modern Senate.

This afternoon the Senate will vote on cloture on the CR proposed by the Republicans. I appreciate the good work done by appropriators, on our side lead by Senator MIKULSKI. They have done good work, and tremendous progress has been made.

The Republican proposal will likely fail to get cloture this afternoon, and for good reason. The Republican legislation misses the mark. It seeks to keep in place the status quo with regard to undisclosed, unaccountable dark money that is flooding our political system.

On the way to work this morning, I learned that the National Rifle Association is placing another $1 million of TV ads in Nevada. We all know that the National Rifle Association was really good at direct mailing. They raised that money from their members. That is not how it works now. Most of the NRA money comes from the Koch brothers. We are fortunate there are not two Trumps. That is the dark money we are talking about. Those ads will say NRA, but it is not NRA money. The ads will say the Chamber of Commerce, but it is not Chamber of Commerce money. It is all Koch money. It is how it works with the dark money, nondisclosed money. And the provision my friend the Republican leader has to have in this resolution is this: The Securities and Exchange Commission will be powerless to tell corporations that they have to disclose their campaign contributions. They have to disclose everything else at their shareholders meeting, but not that; oh, no, that would be terrible, any type of disclosure. We want to keep all of this money out there dark, secret—no one knows. All of these phony names they advertise are just so unfair.

The Republican bill includes a rider to the government funding bill that prevents shareholders from knowing how their money is being used in political campaigns. Again, the Republican leader is trying to shut the door on disclosure.

The Republican continuing resolution also ignores the 2½-year crisis in Flint, MI. Lead has poisoned all 100,000 people—almost 10,000 children, some of whom are babies. Lead is a killer for children. After a short period of time—a month, a few weeks—a child who ingests lead in any way, whether they are eating paint off the floor but certainly drinking water, will be affected the rest of their lives. They will not be as smart as they could be; they will not be as agile as they could be. It really hurts them. And it is not good for adults. So after 2½ years, don't those people deserve something?

The Republican leader said there is a water resources development bill, and I acknowledge that. I think good work was done to get that passed. I said yesterday, and I will say again today, that I appreciate the work of Senator INHOFE. He has worked with one of the most liberal Members of the Senate, BARBARA BOXER, and he is one of the most conservative, and they did good work and I appreciate it very much. But would it be asking too much for the Speaker of the House and the Republican leader of the Senate to stand and say: We are going to get that thing done. We are going to pass it; we are going to make sure that the bill that passed overwhelmingly here in the Senate is going to become law. But they ignored that. They ignored the people of Flint.

We are happy to help with the disaster that took place in Louisiana. Since the Republican leader is here, we have been happy to help with all of the problems, the emergencies they have had in Texas. We stepped up to the plate, and we took care of that. We were happy to do that in Louisiana.

This will not be the reason I will not support this legislation, but I think Louisiana deserved more than what is in this bill. The emergency declaration for them is $2.8 billion, and in this bill there is $500 million, and they will get most of that. A little bit will go to West Virginia, and some—a little bit, even less—will go to Maryland. It will be distributed on a proportionate basis. But couldn't they help Flint?

Here was the response of the junior Senator from Louisiana: That is someone else's grief. That is what he said: That is someone else's grief. Louisiana wasn't someone else's grief when the hurricanes struck. It was our grief. The junior Senator from Louisiana should understand that he is a U.S. Senator, not a State senator from Louisiana. It is not someone else's grief; it is our grief.

The Republicans are essentially saying that disasters in our States are more important than disasters in your State. It is unfair and it is wrong.

This morning my leadership team sent a letter to the Republican leader. DURBIN, SCHUMER, and MURRAY—they sent a letter to the Republican leader encouraging the Republicans to come back and give us a solution for the people of Flint.

After the vote on the Republican CR this afternoon, I encourage my Republican colleagues to help us have some degree of certainty that the people of Flint will be helped. It is not deficit spending even though it is an emergency. I believe it should be taken care of just like we had taken care of Louisiana. It is paid for. In fact, I commend Senators STABENOW and PETERS for taking money from a program they have in Michigan to pay for this. It is not deficit spending. Why can't we do it? The reasons are apparent, and that is too bad.

This doesn't need to be a manufactured crisis. We know the Republicans know how to close the Senate. They did it for 17 days, and they have done it another time. We don't need to have this manufactured crisis. We want to make sure that Flint has some degree of certainty that after 2½ years they would get some help. We need to work together to keep our government properly funded and the people of Flint protected. Certainly, we should be able to do that.

DONALD TRUMP

Mr. REID. Mr. President, last night the Republican nominee for President failed to give any assurance of any kind or a coherent explanation as to why he refuses to release his tax returns—because there is no coherent reason. It is hard to give one when there isn't one.

He said he couldn't release his tax information because the Internal Revenue Service hasn't certified it. Everyone debunks that—everyone, except Donald Trump. But even as Trump tried to say nothing about his tax returns, he revealed at least one shocking truth: Donald Trump thinks that paying taxes is a fool's errand. People shouldn't pay taxes. He said—and it was reported at least five times in three decades—that he paid nothing in Federal income taxes, and Secretary Clinton alluded to that fact in last night's debate. Donald Trump's response was this: ''That makes me smart.'' So what does that make the rest of us—suckers, unintelligent, dumb? He is smart; so does that make us dumb because we pay our taxes? He knows that refusing to pay taxes makes him, as we have come to learn, a scam artist. He is good at that. Every day that he refuses to release his tax returns is another slap in the face to the American people. People running for office for scores of decades have released their income taxes. That may be a little bit of an exaggeration, but let's say that for the last 70 years, they have released their income tax returns. So why won't he release his? Why doesn't he do this? Because the tax returns would show that he is not the rich guy he thinks he is. Tax returns would show he is a spoiled, rich brat who inherited his daddy's money and hasn't done so well with it. After $14 million, he hasn't done that well with how much his dad gave him. Trump's tax returns would show he isn't as generous as he claims to be and that he uses charities as his personal slush fund. Did you see this morning's news? He had an appearance on a TV show, and they owed him money. They paid that into his charity so he can then say that he gave this away. Trump's tax returns would show that, in spite of getting over $1 billion of assistance from New York, in New York City alone Donald Trump is a failed businessman who is buried under a mountain of debt. They would show that he refuses to pay his Federal income taxes.

So I would hope that Donald Trump would release those tax returns the way Hillary Clinton has released 40 years of hers and her husband's.

Mr. President, I ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5325, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5325) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Pending:

McConnell (for Cochran) amendment No. 5082, in the nature of a substitute.

McConnell amendment No. 5083 (to amendment No. 5082), to change the enactment date.

McConnell amendment No. 5084 (to amendment No. 5083), of a perfecting nature.

McConnell amendment No. 5085 (to the language proposed to be stricken by amendment No. 5082), to change the enactment date.

McConnell amendment No. 5086 (to amendment No. 5085), of a perfecting nature.

McConnell motion to commit the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 5087, to change the enactment date.

McConnell amendment No. 5088 (to (the instructions) amendment No. 5087), of a perfecting nature.

McConnell amendment No. 5089 (to amendment No. 5088), of a perfecting nature.

The PRESIDING OFFICER. The assistant majority leader.

Mr. CORNYN. Mr. President, I came to the floor to talk about the pending business, but I have to just comment based on what the Democratic leader has said. Apparently, he has so little confidence in his party's nominee for President that he insists on coming to the floor every day that we are in session, trying to assist her by making arguments either she cannot make or that she has not made. We do have pending business that is very important and which I know he would agree is important, and that is to keep the government running past the end of this fiscal year, which ends on Friday.

That actually is the subject that I came here to talk about. We are continuing to work on a continuing resolution to fund the government through the end of the fiscal year. The fact of the matter is that we would not find ourselves in this distasteful position were it not for the filibusters of our Democratic colleagues who try to use the leverage and have effectively used the leverage to shut down the normal functioning of the appropriations process in order to gain some leverage to spend more money, notwithstanding the fact that we are $19 trillion in debt. They simply shifted from one excuse to another in order to refuse to do their job, which is actually to work in a bipartisan way through the appropriations process to fund the functioning of the government at agreed-to spending levels.

So we are now staring at a Friday deadline to keep the government open. Of course, this was their design all along—to drag their feet, delay, and turn from one excuse to another in order to keep from actually working in a bipartisan way to appropriate the money to fund the government so the government would continue to function. We could have finished this job a long time ago, but our Democratic colleagues simply made it clear that they wouldn't lose any sleep even as we get closer and closer to the funding deadline.

This is actually the narrative they hoped for all along. They want to talk about shutdowns or potential shutdowns that they, in fact, could cause, not because of anything that we have done on this side of the aisle.

The Appropriations Committee, chaired by Senator COCHRAN, and the Appropriations subcommittees have voted out on a bipartisan basis all 12 appropriations bills, and they have done their work. Many of them have passed unanimously. Most of them have passed overwhelmingly with bipartisan support, which is very encouraging. So our Democratic colleagues have had a lot of participation and a lot of influence, as I know they would want, in the priorities of the Federal Government as reflected in the appropriations bill. Of course, that wasn't good enough, and that didn't meet their underlying need, which is to try to gain any advantage they possibly can when it comes to spending levels or in the upcoming November 8 election, which very much appears to be on the Democratic leader's mind as he continues to come to the floor and talk about the Presidential race rather than the pending business.

Of course, now we know that we are running out of time. So the majority leader, Senator MCCONNELL, has now proposed to call their bluff. They said they wanted a clean continuing resolution. As a matter of fact, the Democratic leader said last week that if a clean continuing resolution were brought to a vote, we could ''leave in 10 minutes.'' That is what the Democratic leader said last week. But as of yesterday, we know he changed his tune. He said a clean CR wasn't near enough. He said: ''We want more.''

We will soon have a chance to vote on that clean continuing resolution after lunch. This is the continuing resolution that the Democratic leader said we could pass and leave in 10 minutes. This continuing resolution funds the government at levels this Chamber has already agreed to. There are no riders or anything that the Democrats can claim as controversial. It is a simple continuation of funding at current levels under the same terms that the President has already signed into law last December. It also includes resources for bipartisan priorities like veterans programs, flood control, fighting the opioid epidemic that is devastating communities across our country, and dealing with prevention of the Zika virus—something the Democrats said they wanted money for since last May. Well, this is it. This is the $1.1 billion agreed to on a bipartisan basis. But this is when they shift their argument to something else.

We remember that during the summer, our Democratic colleagues were quick to call for action on Zika funding. Ironically, they filibustered a bill that would have provided that funding, but when push came to shove, they flat out refused to act to give communities the funding they need to fight this real health crisis.

We know from what has happened in Florida, where they have had domestic infections of people from the mosquitoes carrying the Zika virus in Florida, that it is just a matter of time before this will spread to other parts of the United States, including warmer weather States like mine, in Texas.

I have spent some time in Houston, TX, with the mosquito and vector control folks at the Harris County Health Department, where they are monitoring these mosquitoes on a daily basis to see whether there are signs of the Zika virus in those mosquitoes. Thankfully, there is none yet, but they are identifying West Nile virus and other mosquito-borne diseases, and thank goodness for the work and leadership they are showing at the local level. It would be nice if the Nation's congressional leaders would demonstrate similar leadership getting our job done, getting the money to the people who need it and can put it to good use.

I have shown the picture of the devastating birth defects caused by the Zika virus in women of childbearing age. It is devastating. How our colleagues across the aisle can continue to block this funding in giving the money that could actually help address this potential health crisis is beyond me. We have given them what they wanted, and they refuse to take yes for an answer. They still talk a lot about it and the urgent need to get it done, while dragging their feet the whole way.

The Democratic leader even said at the beginning of this month that we need to handle the Zika threat first and foremost. Well, I guess that is why he continues to delay a vote on the continuing resolution and why they continue to do what they say they are going to do. They are going to block the cloture vote this afternoon, again, because now they have changed the subject.

Well, this is their chance to act, to send resources to fight the virus in communities across the country. I am glad the senior Senator from Florida, a Member of the Democratic caucus, has already said that he will support this clean CR, in light of the public health threat Zika poses to his constituents in Florida. He clearly has his priorities straight. It is not politics first and foremost. It is public health. I hope more of his colleagues follow his lead and vote to get on this continuing resolution so we can get our work done and so the money can go to those communities like those in his State and in my State that need it most.

Some of our Democratic colleagues say they don't like the continuing resolution because it doesn't allow for funding for the water problems in Flint, MI. But I have to say that this is just another manufactured excuse. It ignores reality. We just passed overwhelmingly the Water Resources Development Act with more than 90 votes in this Chamber. That bill provides funding for the crisis in Flint, MI. The House is taking up their version of the bill this week. The chairman of the Environment and Public Works Committee, the senior Senator from Oklahoma, has made it clear he is committed to sending this Water Resources Development Act, including funding for Flint, to the President for his signature. So that excuse doesn't hold any water either.

Our Democratic friends may say: Well, that is not included in the House bill. That is true. But with the commitment of the chairman and the ranking member of the Environment and Public Works Committee, Senator BOXER, who work so well together, there is no way in the world that a conference report is going to come back to the Senate without that Flint, MI, money in the bill. So that excuse doesn't hold water either.

Once again, I guess because they think it helps them somehow politically, our Democratic friends are marching this country closer and closer to a shutdown. They have been slow-walking the process, starting months ago when they refused to consider and even pass bipartisan appropriations bills. As I said earlier, these were bills passed overwhelmingly on a bipartisan basis. Why in the world would they do that, I guess, perhaps is the question before us. Well, a Member of their leadership implied in yesterday's Washington Post that it is purely for political purposes.

I am not naive. I understand politics is part of this process, but clearly the priority of our colleagues across the aisle is not to do their job and to address the funding needs for the Federal Government, including the Zika crisis or even to deal in a bipartisan way with the very issue they have identified, the Flint, MI, issue that is going to get that money to the community.

In the article I mentioned in the Washington Post, the senior Senator from Montana, who heads the Democratic campaign committee, gave us just a momentary glimpse into our Democratic friends' playbook this election cycle. He said that in order to win more seats in the U.S. Senate, Democratic candidates need to show that ''Republicans really haven't done anything.''

That was the campaign chairman of the Democratic Senatorial Campaign Committee, saying in order for them to win seats, they have to show that under Republican leadership nothing has been done. The facts would show otherwise. This reminds me of the story of a propaganda technique where, if you tell a big enough falsehood and you tell it over and over and over, there are some people who are actually going to believe it.

Facts are a stubborn thing. Democrats are marching us down a path that leads to a shutdown in order to gain some sort of political advantage. What a terrible thing to do to this country, to be brought to the brink purely for some perceived, temporary political game.

The facts are, under the leadership of Senator MCCONNELL as the majority leader and under a Republican majority, the Senate has been brought back to regular order, which means we are actually doing the people's business. Committee chairmen have had the freedom to flesh out legislation on a bipartisan basis and craft good policy solutions for the American people, rather than have bills cooked up in the Democratic leaders' conference room that have never seen the light of day in any committee and certainly were not bipartisan. That was the record when the Democratic leader was majority leader during the last Congress.

We have had more votes on more bills so individual Senators could offer specific ideas on how to make legislation better, and the results speak for themselves. It is a long list, but the Senate has passed much needed overhauls of our education system and our transportation system, both on a bipartisan basis. We have passed bipartisan bills to help root out the dangers to our society from opioid addiction, heroin addiction, and human trafficking. We passed foreign policy measures that have made our country safer, including a bill to impose stronger sanctions on North Korea.

Again, it is a long list. Last week, we passed the Water Resources Development Act I was referring to earlier, thanks to the leadership of a Republican, the senior Senator from Oklahoma, and a Democrat, the senior Senator from California. That is the way this process is supposed to work.

The point is, until very recently, this Congress has been marked by a willingness of folks on both sides of the aisle to work through the issues and to find a path forward that would represent the best solution for the people we represent, the American people.

According to the senior Senator from Montana—in what appears to be an act of desperation—that doesn't make for good campaign strategy in the days leading up to the election, apparently, and now they want to try to sell this propaganda, this gigantic falsehood repeated over and over so people, at some point, at some level, begin to believe it. They want to paint this Congress as ineffective under Republican control.

When our friends on the other side of the aisle put the ''d'' in dysfunction during the 113th Congress, that is why the Republicans won the majority in the 2014 election, among other things, because Democratic incumbents running for reelection in 2014 had no record of accomplishment they could point to. That strategy backfired on

our Democratic colleagues. You would think they would have learned something from that experience.

For example, they had the incumbent Senator from Alaska go home to Alaska and ask to be returned to the Senate. He could not point to a single amendment on a single bill he actually sponsored that received a rollcall vote in the Senate. That is pretty hard to explain, especially when you are in the majority, but that is what happened. You would think our colleagues would have learned something from that.

What do they gain by edging our country toward a government shutdown this Friday? I don't see how it helps anyone, but that is why we are here today, staring at a deadline and trying to hammer out a stopgap spending bill—and this only gets us to December 9.

Again, the reason we find ourselves having to do this is because they have simply shut down the Senate appropriations process, forcing us into a position that no one who actually has any interest in performing the duties of their job actually likes. This is not the way the Senate is supposed to work, but this is the hand we have been dealt because of their obstruction.

I would hope more Democrats would join the senior Senator from Florida and take yes for an answer when it comes to funding the government, when it comes to dealing with Zika, the potential Zika crisis in our country.

I hope our colleagues on the other side will reconsider their decision to block the vote this afternoon. We are ready to move forward with the solution our Democratic colleagues have called for, a clean continuing resolution, but again it is like Charlie Brown and the football. Do you remember that cartoon? Every time Lucy would put the football out, she would pull it back at the last minute and Charlie Brown would end up on his back.

All we need is a partner who will work with us. I encourage some of our friends across the aisle to reconsider their position.

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

Mr. President, late on Friday afternoon, the President fulfilled his promise to veto the Justice Against Sponsors of Terrorism Act.

I have a hard time understanding the President's rationale. This legislation was approved unanimously in the Senate and in the House. That doesn't happen very often, where Democrats and Republicans, where Senators and House Members, unanimously support a piece of legislation, but tomorrow afternoon we will vote on an override of that veto. President Obama made clear in his message that he doesn't understand how limited and narrow in scope this legislation is. As a matter of fact, he misrepresents what this legislation actually does, which is an extension of current law, and it is well within the bounds of historical practice and modern court guidance under the Foreign Sovereign Immunities Act.

The victims of terrorism in this country need an ability to seek justice in a court of law. That is all this bill is about. It doesn't identify a single country, and it doesn't purport to decide the merits of the case. All it says is, yes, you can present your case to a judge and a jury in a court of law. Why the President would object to that is lost on me.

This legislation will help victims of terrorism on U.S. soil seek compensation. By doing so, it will potentially deter other terrorist acts. If there are consequences associated with sponsoring terrorist attacks on American soil, don't you think this might have some modest deterrence effect, including our counterterrorism measures that our national security forces are engaged in?

This also sends an important message that the United States takes care of its own and that we will never tolerate terrorism and we will never ever shy away from the pursuit of justice for Americans.

I realize there are some of our colleagues who say: Well, Saudi Arabia or some other country might be upset with us.

Frankly, I could care less. We are here to represent the American people, not some foreign country. The fact is, our colleagues—our friends in Saudi Arabia, to the extent that we have aligned interests, we work well together and that will continue despite this veto override. To simply say because some foreign country or some King or some Prince of some other country doesn't like legislation so the President is going to veto it is simply unacceptable, when clearly the American interest here is for these victims of terrorism to find recourse in our courts of law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, while the Republican whip is still on the floor, I believe there is an agreement, at 10:45, Republicans will have control of the floor.

I have waited patiently while the Senator from Texas has given his speech. I ask unanimous consent to allow me 10 minutes to speak on the floor before the Republicans claim their time.

Mr. CORNYN. Absolutely.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Thank you very much.

Mr. President, why are we facing a continuing resolution to fund the government of the United States of America? Because our budget expires on October 1.

It is a new budget. We are supposed to pass spending bills, appropriations bills, budget bills that will cover this next 12 months of the fiscal year, and we have failed. The Senate Appropriations Committee, which I am proud to serve on, has done its job on a bipartisan basis. In fact, we have reported out all 12 spending bills but had very little luck on the floor of the Senate moving those bills forward. The first one we took up was the military construction bill, which passed with good support, and was sent over to the House of Representatives. They loaded it up with every political issue they could think of for this campaign season, and that bill started floundering at that point. That is why, at this moment in time, we need to pass a continuing resolution. This is no way to run a government but, to be honest with you, both political parties have been guilty of finding themselves in this mess before, where we have had to buy a little extra time into the fiscal year in order to agree on the budget for the remainder of that year.

What the President said to the Republican leaders of the House and Senate last week is, if you want to do this continuing resolution bill, just keep the government running until you can agree on all the appropriations bills, give me a continuing resolution bill until December 9, and—if you would—please acknowledge that we are facing a public health crisis with the Zika virus. The President raised that issue because in February of this year, 7 months ago, he notified Congress this was going to happen; that we were going to see these mosquitoes carrying the Zika virus infecting people in Puerto Rico and in the United States and endangering mothers who were carrying babies. In February, the President asked for Congress to give $1.9 billion to eradicate the mosquitoes, to lessen the danger, and, equally important, to develop a vaccine. This is a vaccine which frankly, when it is developed, all of us will want to take, one that protects all of us from Zika virus infection in the future.

What did the Republican-controlled Congress do with the President's emergency public health crisis request for Zika? Nothing. They ignored it until May of this year, when the Senate finally passed, with 89 votes, Democrats and Republicans together—it was not $1.9 billion but $1.1 billion to deal with the Zika virus, this emergency public health crisis. It took 3 months. It should have taken 3 days.

In May, with 89 votes, we sent a bill from the Senate over to the House of Representatives to deal with this crisis. What did they do with it? Instead of passing the bipartisan bill the President requested, they decided to load it up with politically controversial issues that they thought would help them in this election cycle. Listen to some of the things they added to this bill, this emergency public health crisis bill.

First, they put in the provision that there was a prohibition of funding any efforts by Planned Parenthood on family planning under this bill. Why? Because mothers, facing the prospect of a pregnancy and the possibility of an infection, would seek family planning help at Planned Parenthood. Two million American mothers did last year.

They put this provision in to defund Planned Parenthood. They knew that was going to be a fight. They put it in anyway. They eliminated $500 million from the Veterans' Administration funding to process veterans' claims—something we desperately need. They took the authority of the Environmental Protection Agency to monitor the chemicals that would be used to kill the mosquitoes. And then, to add insult to injury, they put in a provision that said you could display Confederate flags in U.S. military cemeteries. What does that have to do with the Zika virus? Nothing. It was political gamesmanship. It was going nowhere. The President would never sign it under those circumstances, and they knew it.

Now the President says: Give me a clean Zika funding bill and we will move forward with this continuing resolution.

Finally, last week the Senate Republican leader gave us that clean bill as part of the CR, and if that were all he did, we would be finished, we would be home, but he kept moving forward in other areas of controversy. You see, there was terrible flooding in Louisiana, and a lot of innocent people were hurt. They lost their homes and businesses. It has been a custom in the Congress to rally to the aid of victims of disasters. I have voted for that over and over again, for maybe every State across the United States, because I knew the day would come—and it has—when Illinois would need a helping hand, and I wanted to be there for my colleagues.

So we said this to the leader on the Republican side: If you want to help Louisiana—and I do—also help the people living in Flint, MI.

Remember when their water supply was contaminated? There were 100,000 people ingesting lead, when there is zero tolerance in our blood streams for that. The damage is obvious. Imagine 9,000 children in Flint poisoned with lead-contaminated water. That happened. In that poor city, they are still drinking water out of bottles every single day.

So we said to the Republican leader: Yes, we care about Louisiana. You should care about Flint, MI. If you are going to help Louisiana, help those poor people in Flint who are facing this kind of contamination.

He refused. He said: There will be money for Louisiana but no money for Michigan.

Why? We think there are victims in both places, and in the past the Senate and Congress have risen to those tragedies and those demands. I have done it on a bipartisan basis. It makes no difference to me that we have two Republican Senators in Louisiana, and it should make no difference to Senator MCCONNELL that we have two Democratic Senators in Michigan. Let's think about the Americans who are hurting in both places instead of playing political games. But no—Senator MCCONNELL said: We will help Louisiana; we will provide no help to Flint, MI. That is unfair, and it complicates the situation.

If that were all he did, it would be bad enough, but Senator MCCONNELL has a pet project that he needs to put into this bill. Listen to what it is. It is a prohibition at the Securities and Exchange Commission that would promulgate a rule to require America's corporations to publicly disclose the campaign contributions they are making. Under Citizens United, in warped thinking at the Supreme Court, it was determined that corporations are persons when it comes to contributing money. Look what has happened—a flood of millions of dollars. Republicans were boasting that they raised $43 million in their super PAC in August, and they got $20 million last week from Sheldon Adelson, a rich man who lives out in Nevada. Oh, they are rolling in millions, but Senator MCCONNELL is determined to keep secret the source of these funds, so he wants to prohibit the Securities and Exchange Commission from requiring corporations to simply state publicly that they are making these contributions. We do. If corporations are persons—individual persons, like myself have to make a disclosure of contributions that are made. Why should corporations have the benefit of being treated as a person to make contributions but not the responsibility facing persons to disclose this publicly? Senator MCCONNELL wants to keep that secret, and that is why he included it in this legislation and made it as controversial as it is.

A simple word to the leader on the Republican side and to the wise who want to leave and go home and campaign: There is a way out of here. Treat the people in Flint, MI, with the same respect we are treating the victims in Louisiana. Provide the resources for opioid funding, which we desperately need. Leave out this special interest provision protecting corporations that want to make political contributions but want to keep it secret so nobody knows what they are doing. Make sure that we finally—finally—7 months later, adequately fund the Zika crisis so we can deal with this and develop a vaccine to protect all of America.

Mr. President, to reiterate, after weeks of bipartisan negotiations and significant progress made in settling our differences on a bill to keep the government open through December 9, Republican leadership has given up on negotiations and instead filed a bill that completely ignores the ongoing emergency in Flint, MI. For over a year, the good people of Flint have waited for Congress to do our job and address the public health emergency that has poisoned 9,000 children and left 100,000 residents without access to clean and safe water. But once again, they are being told to wait. They are being told that the emergency their community is facing is somehow less important than emergencies other communities around the country are facing.

Republicans continue to argue that the ongoing crisis in Flint and other cities is better addressed through the Water Resources Development bill or WRDA. But while the Senate WRDA bill, which we passed earlier this month, includes vital funding for Flint, the House has made no commitment to help Flint in their bill. We cannot afford to wait any longer. The people of Flint have waited far too long already. We need to address the emergency in Flint now—in this bill—just as we are addressing the emergency in Louisiana.

It is unbelievable that Congress continues to hold up federal funds to help aid these Americans in their time of need. Almost 100,000 people are currently living without reliable access to clean water in their homes and 9,000 children are suffering from lead poisoning. Just like those suffering from flooding and tornados, these families did nothing to deserve this. And just as the federal government always helps when Americans are hit by disasters, it should do so now.

There were no complaints last May when the Federal government declared an emergency and reached out to residents of Texas to help them rebuild their lives after a tornado hit. So I see no reason why Senators should hesitate to provide funding to Flint, Michigan, to help deal with this public health emergency. The crisis in Flint is a tragedy that demands Senate action.

Instead of turning on the tap to make breakfast or take a shower, like all of us did this morning, these residents start their day by waiting in long lines for bottled water to feed and bathe their children, take showers, and stay healthy. And for those elderly or disabled residents that cannot make it to the pick-up location, they are left with the option of continuing to use water that they know is poisoning their bodies with lead and causing numerous health issues.

The lead contamination levels in the City mean that an entire generation of children are in danger of suffering from irreversible brain damage, lower IQ scores, developmental delays, and behavior issues for the rest of their lives.

This truly is a tragedy that requires federal support.

And what is frightening, is that Flint is not the only city battling with lead issues, nor is it an isolated incident. Elevated lead contamination levels have been reported in cities nationwide—including in Ohio, South Carolina, New Jersey, Mississippi, and Washington, DC. In my own home state of Illinois, Chicagoans have been battling with lead contamination in their homes for years.

Recent articles in the Chicago Tribune have highlighted this struggle. In 2012, an EPA study found high levels of lead in the drinking water of several Chicago homes—despite the City's use of anticorrosive chemicals to treat the water. And since then, at least 179

young children in federally-subsidized homes in Chicago have suffered lead poisoning stemming from exposure to lead-based paint.

These issues have led to Illinois having some of the country's highest rates of children with elevated blood lead blood levels, which, unfortunately, have hit low-income and minority communities the hardest.

Thankfully, however, lead levels in Illinois and across the nation have not risen to the severity of those in Flint.

But the widespread nature of these issues does show that we need to get serious about investing in infrastructure programs that address the housing, environmental, and public health aspects of preventing lead contamination in American homes. That is why I was proud to join Senators from both sides of the aisle in supporting a bipartisan deal to address the ongoing lead crisis in Flint and other communities across the country and ensure all Americans have access to safe drinking water.

The Senate's bipartisan WRDA bill provides $220 million in direct emergency assistance to Flint and other communities facing similar drinking water emergencies. It provides $1.4 billion over five years to help small and disadvantaged communities comply with the Safe Drinking Water Act. The bill modernizes our State Revolving Loan Fund program and provides $300 million in grants for communities to replace lead service lines. And because we are also seeing high levels of lead in our schools' water, the bill authorizes $100 million for additional lead testing in schools.

This bill also addresses many of the issues that I raised in the Lead-Safe Housing for Kids Act that I introduced with Senator MENENDEZ and the CLEAR Act that I introduced with Senator CARDIN, two bills that would ensure our children are protected from the dangerous effects of lead in our water and our housing.

While we still haven't figured out our differences over aid for communities affected by lead contamination, Democrats and Republicans have finally agreed to address the Zika public health emergency in this bill.

In February, the President requested $1.9 billion to fight the Zika virus. In May, the Senate overwhelmingly passed a bipartisan bill to provide $1.1 billion in emergency funding to combat this virus, but then partisan politics took over. Republicans insisted on attaching a variety of controversial policy riders to the Zika bill, from attempting to overturn provisions of the Clean Water Act to trying to block money from going to Planned Parenthood health centers.

Thankfully, 7 months after the President first made his request, commonsense is prevailing and Republicans have finally dropped their outrageous demands to load this bill up with contentious and extraneous items. I wish it had happened sooner. The bill before us today includes $1.1 billion in funding to help States and our Federal health agencies properly respond to the ongoing Zika epidemic. This money will be used for vaccine development, mosquito control, and the delivery of needed health care.

What the bill before us today does NOT include are ill-conceived partisan poison pills. As of last week, there were more than 23,000 reported cases of Zika in the United States and its territories, including more than 2,000 pregnant women. We are 7 months overdue in passing this emergency funding. It is my hope that pregnant women and children won't have to wait much longer.

While this bill is missing vital funding for Flint, Leader MCCONNELL had no problem including controversial language that limits the Security and Exchange Commission's ability to require disclosure of corporate political spending.

In 2010, the Supreme Court issued a far-reaching decision in Citizens United v. Federal Election Commission. On a divided 5–4 vote, the Court struck down years of precedent and held that the First Amendment permitted corporations to spend freely from their treasuries to influence elections. As a result of Citizens United and the series of decisions that followed in its wake, special interests and wealthy, well-connected campaign donors have so far poured more than $2 billion dollars of outside spending into recent Federal elections, including 2016 races.

In the years since Citizens United, several of my colleagues and I have called for the SEC to initiate a rulemaking requiring public companies to disclose their political spending to shareholders. More than 1.2 million securities experts, institutional and individual investors, and members of the public have asked the SEC for a disclosure rule.

Such a rulemaking would bring much needed transparency to the U.S. political process. Shareholders deserve to know when outside spending in political campaigns comes from the coffers of a company they have invested in.

Unfortunately, last year, this provision limiting the SEC's rulemaking authority was slipped into the omnibus appropriations bill, which we had to pass in order to fund the government for the 2016 fiscal year. We should not allow this rider to continue to strangle the SEC's authority.

Despite weeks of bipartisan progress on a deal to fund the government, the Republicans have decided to move forward on a bill that continues to ignore the ongoing crisis in Flint and other cities like Chicago. Congress and the Federal government's primary responsibility is to protect the American people. And just as the Federal government always helps when Americans are hit by disasters, it should do so now.

Like the communities in Louisiana suffering from devastating flooding, the people of Flint deserve our help in responding to this public health emergency. A deal to provide funding for Flint has already passed the Senate with overwhelming bipartisan support. We need to address the emergency in Flint NOW, in this bill. The people of Flint have waited long enough.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be controlled by the majority.

The Senator from Wyoming.

OBAMACARE

Mr. BARRASSO. Mr. President, the Senate minority leader, Senator REID, came to the floor a couple of days ago and talked about health care. He said: If people would just look at the newspaper, they would see that ObamaCare has changed America—in his words—for the better.

Well, millions of Americans do pick up the newspaper. I hope many of them saw the Presiding Officer's article in today's Wall Street Journal about some of the travel and things he has seen regarding our Nation's security. But I would like to point out to Senator REID that there have been headlines in the papers repeatedly, including one in the Reno Gazette-Journal this month, that said his home State—''Nevada ranked 48th in healthcare by finance website.'' This from a finance Web site. They are talking about just how bad the health care law has been for the people of his home State of Nevada. It was about a new survey that looked at things such as health care costs and access to care and how it impacts people at home. So if ObamaCare is so great—at least as great as Senator REID says it is—then why is his home State ranked almost dead last?

Look, Americans are seeing headlines like the one that appeared on the front page of the Washington Times the day the Senator came to the floor. Had he picked it up and looked at it on the way to the floor, he would have seen the headline on the front page saying ''Failures of Obamacare. . . . '' This was on the front page the day he came to the floor and said: Check out the headlines. The article says: ''Democrats see need for fallback plan.'' They need a fallback plan because this health care law has been so devastating to people all across this country. If ObamaCare is so great, why do the Democrats need a fallback plan?

Look, people across the country are seeing headlines like this every day.

A Washington Post headline: ''Health-care exchange sign-ups fall short of forecasts.''

The New York Times: ''ObamaCare Options? In Many Parts of Country, Only One Insurer Will Remain.''

Another New York Times article: ''Cost of health law's plans set to rise more sharply.''

This is from the paper The Hill: ''Dems to GOP: Help us fix ObamaCare.''

They didn't turn to Republicans for solutions and ideas when they forced it through on a party-line vote. They didn't listen to us and our concerns about the impact of this law on the families of this country. Now they come to us and ask us to help them fix the mess they have made.

USA TODAY—I would point out to Senator REID—''Obamacare rate hikes rattle consumers, could threaten enrollment.''

The New York Times: ''The Incredible Shrinking Obamacare.''

Senator REID came to the floor and made his statement just a couple of days ago. Let me point out a few other headlines that have arrived since then.

Bloomberg, Friday: ''Failing Obamacare Nonprofit Co-Ops Add to 'Death Spiral' Fears.''

You don't even have to turn to the newspapers; you could have turned on the radio—National Public Radio, just this past Friday, talking about people who are buying insurance for their insurance because the ObamaCare program is so bad for them personally.

Sunday's New York Times, in the business section: ''Why Obamacare Markets Are in Crisis.''

I would suggest the minority leader look at today's newspaper in Indiana regarding Indiana University health plans. ''IU Health Plans quit Obamacare exchange, citing 'heightened financial uncertainty.' ''

Those are the headlines people are seeing all across the country. So I am not sure exactly what newspapers the minority leader is reading, but he is not reading the same papers Americans all across the country are reading.

All across the country, people are hearing about their rates going up—in Georgia, 33 percent; Illinois, 45 percent; Tennessee, 59 percent—and people are feeling the pinch from this rising cost of the Obama health care law. It is hurting the people who buy insurance through ObamaCare exchanges, and it is hurting the people who get their insurance through their jobs. A new report by the Kaiser Family Foundation says that for people who get their insurance at work, the deductibles have risen four times faster than the premiums did. So it is not just the premiums going up, but the deductibles are going up. And all of those are new costs as a result of the health care law. The American people are feeling it in their wallets, and millions of Americans are rejecting ObamaCare insurance because they know it is not a good value for them personally.

According to one article, 8 million people face tax penalties this year for not buying ObamaCare coverage. These are people who can't afford this expensive, second-rate insurance, or they do not think it is right for them or their family. The Democrats who wrote this law and who are now asking for help in ''fixing it'' do not really care; they just want people to write their checks to the IRS, their penalties because of the mandates of the law—the taxes, the fines. These are for people who have no options.

No options is exactly the situation most Americans are facing. Major insurance companies have decided to leave most of the ObamaCare markets. Just look at the insurers who are fleeing the ObamaCare exchange. Humana is selling coverage in 19 States this year; it is going to be in just 11 States next year. Look at UnitedHealthcare—in 34 States this year but down to 3 next year. Aetna is going from selling ObamaCare plans in 15 States this year to just 4 States next year.

On November 1, millions of Americans will go to sign up for ObamaCare and they will find their insurance plan has disappeared. Companies are running for the exits. The program is collapsing. It is in a death spiral. And so far, of the 23 co-ops under the health care law, 17 of them have failed, including the one in the home State of Senator REID, Nevada, which went out of business at the end of last year.

With all these companies shutting down and dropping out, people living in one-third of the country are going to be left with just one option for ObamaCare coverage in November. One option is no choice. It is not a marketplace, it is a monopoly.

Under ObamaCare, we have seen medical costs skyrocketing and people losing their insurance. So it is no surprise that there is enormous anger and anxiety about the health care law, to the point that in a Gallup poll earlier this month, 29 percent of American families say they have actually been hurt personally by the health care law and only 18 percent say they have been helped.

Mr. President, Republicans said this was what was going to happen. Democrats ignored them. They ignored our concerns to try to improve health care for all Americans. Democrats went into a back room, behind closed doors in HARRY REID's office, they wrote a law they passed with no Republican support, and this is the result.

We have offered direct solutions to the problems. We have offered relief for the American people. My colleague from Arizona, Senator MCCAIN, who is now on the floor, has offered a bill to provide that relief for people who are hit with mandates, taxes, fines, and penalties because of the mandates of a law that is too expensive, too costly, and hurting American families. I am proud to cosponsor Senator MCCAIN's legislation to provide that relief.

So when people say ''Will you work with Democrats?'' I will say this: If Democrats want to work on a plan that provides nothing but more ObamaCare and more Federal control, count me out, but if they want to work on a plan, such as the plan I have introduced with Senator GRAHAM from South Carolina and Senator AYOTTE to provide opportunity, freedom, choice, and flexibility at the State level, to empower individuals in States, then count me in.

But, Mr. President, when you look at a program that is impacting America, with 29 percent of people having been hurt by the President and his law and only 18 percent helped, I would say to the President of the United States: You shouldn't have had to hurt so many good people while trying to help those who didn't have insurance.

This is a law that needs to be repealed and replaced, and right now I am proud to stand with Senator MCCAIN in his efforts to provide relief to the families who feel betrayed by this President and this law.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Wyoming, who continues to be the voice of reason and the voice for so many millions of Americans who feel betrayed by ObamaCare—who have not been given their choice of a doctor if they wanted a doctor, who have not been able to keep the policy that the President promised they would be able to keep, period. He is the voice of those fellow citizens of mine who, in all counties but one in my home State of Arizona, have one choice—not a choice of their doctor, not a choice of their health care policy, but one, and one only. And now they are looking at as much as a 65-percent increase in the rate of their premiums beginning the next 1st of November—disgraceful.

I thank the doctor. I thank my colleague and friend from Wyoming.

Mr. President, I ask unanimous consent to address the Senate for 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague from South Carolina, Senator GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENOCIDE IN SYRIA

Mr. MCCAIN. Mr. President, last night was one of the most watched political events in American history: the debate between Donald Trump and Secretary Clinton. A lot of issues were addressed or not addressed, depending on your point of view. But the stunning aspect of this, to me, is there was not a single comment about the genocide taking place in Syria as we speak—not a comment about this terrible situation, which has taken the lives of over 400,000 innocent men, women, and children in Syria, driven 6 million into refugee status, destabilized the European Union, and continues to this day in an endless flood. I think the American people deserve better than what they got last night, to be honest. So the beat goes on, the genocide goes on, and the slaughter goes on—only at an increased tempo.

From today's Wall Street Journal: ''Syria Defies Calls to End Offensive.'' Of course they defy calls to end the offensive because their whole job is to take Aleppo, consolidate their control, kill off anybody who is in opposition,

and then declare a cessation of hostilities once they have solidified their position and slaughtered thousands more.

Whatever happened to the United States' commitment that Bashar al-Assad had to leave power? Obviously, that is not happening, and it is being abetted by our intrepid Secretary of State. But it is not the fault of the Secretary of State; it is the fault of the President of the United States. ''It would be diplomatic malpractice' not to pursue talks, Mr. Kerry said.''

''It would be diplomatic malpractice.''

One of the greatest diplomats that I have ever had the honor of knowing is a man by the name of George Shultz, one of the major reasons the Cold War ended and we won. I would like to give a quote in direct contradiction to Mr. Kerry's continuous quest to bend the knee and hope that Vladimir Putin will agree with him and stop the slaughter in Syria—time after time after time. Here is what Secretary Shultz said on diplomacy:

Americans have sometimes tended to think that power and diplomacy are two distinct alternatives. This reflects a fundamental misunderstanding. The truth is, power and diplomacy must always go together, or we will accomplish very little in this world. Power must always be guided by purpose. At the same time, the hard reality is that diplomacy not backed by strength will always be ineffectual at best, dangerous at worst.

I wish the Secretary of State would read what one of the great diplomats and leaders of our time, Secretary George Shultz, said.

Meanwhile, the slaughter goes on. Mr. President, I ask unanimous consent that the editorial, ''As Aleppo burns,'' be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 27, 2016]

AS ALEPPO BURNS

''WHAT RUSSIA is sponsoring and doing'' in the Syrian city of Aleppo ''is barbarism,'' U.S. Ambassador to the United Nations Samantha Power, said on Sunday. She's right: For days, Russian and Syrian planes have rained bombs—including white phosphorus, cluster munitions and ''bunker-busters'' designed to penetrate basements—on the rebel-held side of the city. Hundreds of civilians have been killed; as many as half are children, U.N. special envoy Staffan de Mistura described ''new heights of horror.'' Ms. Power said that ''instead of helping get lifesaving aid to civilians, Russia and [Syria] are bombing the humanitarian convoys, hospitals and first responders who are trying desperately to keep people alive.''

It goes without saying that this war-crimes-rich offensive, which Syria's U.N. ambassador said is aimed at recapturing east Aleppo, has shredded the Obama administration's attempt to win Russian and Syrian compliance with a cessation of hostilities. So naturally reporters asked senior officials as the ''attack was getting underway how the United States would respond. ''I don't think . . . this is the time to say where we will go from here,'' one answered. Said another: ''We're waiting to see what the Russians come back with.''

In other words: Hem, haw.

By Monday, the administration's response seemed clear: It will hotly condemn the assault on Aleppo, but do absolutely nothing to stop it. On the contrary, Secretary of State John F. Kerry insisted he will continue to go back to the regime of Vladimir Putin with diplomatic offers, hoping it will choose to stop bombing. ''The United States makes absolutely no apology for going the extra mile to try and ease the suffering of the Syrian people,'' he grandly declared after a meeting Thursday on Syria. By ''extra mile,'' he doesn't mean actual U.S. steps to protect civilians—just more futile and debasing appeals to Moscow.

The Putin and Bashar al-Assad regimes are well aware that the only U.S. action President Obama has authorized is diplomatic, and that they are therefore under no pressure to alter their behavior. They already obtained, via Mr. Kerry, U.S. agreement to the principle that the Assad regime should remain in power while the United States and Russia join in fighting those rebels deemed to be terrorists. The regime then took advantage of a mistaken bombing of Syrian soldiers in eastern Syria to launch the assault on Aleppo, and Russia joined in. If it succeeds, Damascus will have essentially won the civil war and will have no real need for the negotiations Mr. Kerry says the cease-fire should lead to. If the offensive stalls, Mr. Putin can send Foreign Minister Sergei Lavrov back to renew the deal with Mr. Kerry. Either way, Russia wins.

The losers are the civilian trapped in eastern Aleppo—250,000 to 275,000 human beings—who are cut off from supplies of food and medicine and being bombed mercilessly. They are being offered the same choice the regime has successfully imposed on other towns across the country: surrender or starve. Those who try to approach the evacuation corridors Russia says have been established are shot at. They are, indeed, victims of barbarism—but the rhetoric of U.S. diplomats, and continued petitioning to Mr Putin, won't help them much.

Mr. MCCAIN. Mr. President, here we are:

What Russia is sponsoring and doing in the Syrian city of Aleppo ''is barbarism,'' U.S. Ambassador to the United Nations Samantha Power said on Sunday. She's right: For days, Russian and Syrian planes have rained bombs—including white phosphorus, cluster munitions and ''bunker-busters'' designed to penetrate basements—on the rebel-held side of the city. Hundreds of civilians have been killed; as many as half are children. . . . Ms. Powers said that ''instead of helping get lifesaving aid to civilians, Russia and [Syria] are bombing the humanitarian convoys, hospitals and first responders who are trying desperately to keep people alive.

By Monday, the administration's response seemed clear: It will hotly condemn the assault on Aleppo, but do absolutely nothing to stop it. On the contrary, Secretary of State John F. Kerry insisted he will continue to go back to the regime of Vladimir Putin with diplomatic offers, hoping it will choose to stop bombing. ''The United States makes absolutely no apology for going the extra mile to try and ease the suffering of the Syrian people,'' he grandly declared after a meeting Thursday on Syria. By ''extra mile,'' he doesn't mean actual U.S. steps to protect civilians—just more futile and debasing appeals to Moscow.

We are now treated to seeing the Secretary of State of the most powerful Nation on Earth on bended knee, going to Moscow, begging his friend Lavrov to stop this slaughter. Did anybody not see the picture of the little boy covered with dirt and blood? Did no one see that?

The Putin and Bashar al-Assad regimes are well aware that the only U.S. action President Obama has authorized is diplomatic, and that they are therefore under no pressure to alter their behavior. They already obtained, via Mr. Kerry, U.S. agreement to the principle that the Assad regime should remain in power while the United States and Russia join in fighting those rebels deemed to be terrorists.

Remember, the President of the United States said: It's not a matter of whether Bashar al-Assad will leave but a matter of when.

If it succeeds, Damascus will have essentially won the civil war and will have no real need for the negotiations Mr. Kerry says the cease-fire should lead to. If the offensive stalls, Mr. Putin can send Foreign Minister Sergei Lavrov back to renew the deal with Mr. Kerry. Either way, Russia wins.

The losers are the civilians trapped in eastern Aleppo—250,000 to 275,000 human beings—who are cut off from supplies of food and medicine being bombed mercilessly. They are being offered the same choice the regime has successfully imposed on other towns across the country: Surrender or starve. Those who try to approach the evacuation corridors Russia says have been established are shot at. They are, indeed, victims of barbarism, but the rhetoric of U.S. diplomats and continued petitioning to Mr. Putin will not help them much.

I don't claim to be an academician, but I am a student of history. There was a guy named Calgacus, who, talking to his people who were fighting against the Romans, once described the Roman conquest of Carthage—where not one stone was left on top of the other, the ground was salted, and the Carthaginians were slaughtered. He described it: They made a desert, and they called it peace.

We are seeing a repetition of history. My friends, Mr. Assad, Mr. Putin, the Iranians, the Iranian Revolutionary Guard, Hezbollah are making a desert, and they will call it peace. This is one of the most shameful chapters in American history.

I ask my friend and colleague, how many hospitals, markets, schools, and playgrounds do Russian and Syrian regime aircraft have to bomb before we realize that Putin and Assad are not interested in stopping the violence? They are interested in victory; they are not interested in stopping the violence. How many aid warehouses and U.N. humanitarian convoys do they have to destroy before we realize Putin and Assad are not interested in delivering aid to those in need? Four hundred thousand Syrian civilians have been murdered. Six million are refugees. When will the President of the United States do what is necessary to stop this slaughter before they make it a desert?

Mr. GRAHAM. Mr. President, I thank the Senator for his passion and caring for the people of Aleppo and Syria. History will judge Senator MCCAIN well. I am proud to be by his side.

But let's be honest with each other. It is not just the Obama administration that is the problem here. Where is

the United Nations? A convoy carrying aid to Aleppo was bombed, and we all believe it was by the Russians. What has the U.N. done? What about the countries in the region that border Syria? What do they know? Our friends in France have been attacked several times based on ISIL's ability to project wars by having the caliphate in Syria. They have dropped bombs. All of us have used air power. Where is Trump? If you can understand what he would do differently, I would love to hear it. I don't understand it. I can tell you this, Secretary Clinton really disappointed me when she said ''no ground forces in Iraq and Syria.''

Mr. MCCAIN. May I ask my colleague, when former Secretary of State Clinton said ''no ground troops in Iraq or Syria,'' do you think that means the 4,500 that are there now have to be withdrawn? Does she really believe that you can destroy ISIS with air power alone, which was basically what she said last night?

Mr. GRAHAM. Yes, I agree. We have over 5,000 troops on the ground in Iraq, and if we count the people who come and go, it is closer to 7,000. So from their point of view, I think that is a pretty offensive statement. We have lost one SEAL, and other people are definitely at risk.

We live in an interesting time. It is probably much like the 1930s, when Hitler was building up. I am not saying al-Assad is Hitler, and I am not saying Putin is Hitler. But I am saying there is evil on the march, and most people are not doing anything about it. If you are in Aleppo right now, you feel as the Jewish people must have felt in the 1930s—and other countries who were being overrun by evil—when a lot of people just stood along the sidelines and issued statements.

To Samantha Powers, whom I have known and actually personally like her: Do you think anybody listens to you, Samantha? Do you think anybody cares what you say? Because it is just all words. You have been up there for months now, and every ceasefire agreement has been broken.

To my good friend John Kerry: You said it would be diplomatic malpractice not to try to get a ceasefire solution. At what point does it become malpractice to misread the person you are talking to? At what point will you understand that the Russians are not interested in a ceasefire agreement? They want to install al-Assad in a military fashion so that he cannot be overtaken by power, which means they win.

So to me, the real crime here is that the world, not just Obama, has let this happen, and to the people in this body.

Several years ago, we were in an authorization-to-use-military-force debate after al-Assad used chemical weapons in violation of the redline that President Obama drew. To Senator MCCAIN's credit—and I went with him during Labor Day several years ago. The President called us up and said: I want to take action because it is clear to us that al-Assad used chemical weapons. We went outside the Oval Office in the driveway and stood by our President, called the Speaker of the House, Mr. Boehner, who stood with the President. There was a lot of Republican support for the idea that the President must act to put this brutal man back in check. That was early in the week. By Friday, President Obama takes a stroll in the Rose Garden with Denis McDonough, and, all of a sudden, now we are coming to Congress.

I have yet to get a call. I read it in the paper. When it came to Congress, it completely melted down. People on our side objected to the use of force, saying we would be the Air Force for Al Qaeda. People on our side did not understand what it meant to draw a red line and not use some force.

There is plenty of blame to go around. People on the Democratic side almost never come to the floor and challenge what is going on in Syria. President Obama is getting a complete pass, except from pockets, like Senator MCCAIN and every now and then an editorial. Why? Most people don't care about Syria because it seems distant.

When you talk about the young boy, it breaks our heart, and then we move on. Most people think we can't get involved ever again in the Middle East because it is just hopeless over there. Here is what I would suggest to you that we learn: If you let Syria continue to deteriorate, you will regret it. The King of Jordan, one of our best allies, is being overrun with Syrian refugees. One in five children in Lebanon is a Syrian refugee. This war will never end until America leads.

Back to Obama—you and your administration are very deceitful when it comes to foreign policy. You are the ones who told us, as to Benghazi, that this was a protest caused by a hateful video rather than an organized terrorist attack, for weeks. In the debate last night, Secretary Clinton said that the reason we had no troops in Iraq was because the Iraqis did not want them and would not agree to leave some troops behind.

All I can say is that is a lie. I know that to be a lie because I was called by her before the decision to leave was made, and she asked that I, Senator MCCAIN, and Senator Lieberman go to Iraq to talk to the parties about a follow-on force. We did. We went to Prime Minister Maliki, President Barzani of the Kurds, and Mr. Allawi, who was representing the Shia group—the Iraqiya Party, I believe it is called.

The bottom line is that we left there with an understanding that all three groups would work with each other to have a follow-on force because they understood the need for it. This is the moment I will never forget as long as I live. During the meeting with Prime Minister Maliki, when it was my turn to ask him questions, he turned to me before I could speak and said: How many troops are you talking about leaving?

I turned to General Austin, who was the commander, and Ambassador Jeffrey, who was the Ambassador at the time, and I said: General, what is the answer to the Prime Minister's question?

He said: We are still working on that.

Here is the truth. There never was a protest outside the consulate in Benghazi. It was always a terrorist attack. They should never have had the Ambassador there to begin with, and they left him hanging.

Here is the truth. The Obama administration wanted to leave. They wanted to get to zero to fulfill a campaign promise. The reason the general could not answer Prime Minister Maliki's question is because the White House was trying to get the numbers down to the point where it wouldn't matter if he left anybody because they were so low.

You can say a lot about Trump. You can say a lot about Republicans, and a lot of it is true. You can say a lot about President Obama and Hillary Clinton when it comes to Iraq. But the one thing you can't say is that it was the Iraqis' fault that we left.

The reason I will not tolerate that is because too many people fought and died to get Iraq back in a better place. The surge did work, and they held it as a success.

Back to Syria, if you don't realize that we have several hundred people on the ground today in Syria, you are dishonoring them. If you don't realize that the strategy Obama has come up with will never work, you are not doing your homework. The people we are training to take ISIL down and to hold Raqqa after they take ISIL down are YPG Kurds. That may not mean anything to you, but it means a lot to the region.

The Kurdish element that is being trained cannot hold Raqqa, cannot liberate Raqqa. General Dunford, Chairman of the Joint Chiefs, said that. The people we are relying on to destroy ISIL can't take them down and hold the territory because it is an Arab town. As to the people we are training to fight ISIL, the vast majority of the force has no interest in going after Assad.

If you leave Assad in power, the war never ends. Some 450,000 people have been slaughtered by Assad's forces—mostly through barrel bombing and brutal tactics. There is no plan to create a military counter push coming from the Syrians themselves to create negotiating space. Without power, there is no diplomacy. The force to destroy ISIL will never be successful in holding the territory. The force we are training to destroy ISIL has no interest in going after Assad. If you leave Assad in power, this never ends.

This whole foreign policy approach of the Obama administration is ill-conceived, shortsighted, and deceitful, and they know everything I am saying is true. There are people in the White House who know that the reason we

left Iraq was because of politics in the White House. There are people in the White House who know—and the Pentagon who know—that the Kurdish force being trained can't get the job done. They are just trying to buy time until the next President comes along.

All I can say about Syria is that it seems to be a faraway place with strange sounding names. It seems to be something we shouldn't get involved in, in the minds of a lot of people. The one thing I would challenge you to think about is that the last time powers gathered up to murder and butcher hundreds of thousands of people, it eventually mattered to us. It is going to matter to you sooner than you think because all of these children who lost their parents and all of these parents who lost their children are looking at us, and they are going to hate our guts, along with the world community at large, because we sat on the sidelines and watched it happen.

Come with me and Senator MCCAIN to a refugee camp and look into these kids' eyes. I see broken-hearted children who need somebody to help them and a good investment. The terrorists see a recruiting opportunity, a literal gift from the world at large. You may not think it will affect you, but I promise you that the policies of the Barack Obama administration—when it comes to Syria—are going to haunt the world for generations if we don't do something about it soon and change course.

Mr. MCCAIN. My colleague mentioned this meeting that we had with Maliki about maintaining a residual force. I would also like to point out to my colleague that the reason given by Obama and then-Secretary of State Clinton was that we couldn't get a status of forces agreement with the Iraqi government, which then would not make it tenable for our troops to remain. We now have 4,000 or 5,000—whatever it is—there. Where is the status of forces agreement that was so necessary then? It is not there because they wanted out.

By the way, I believe it was the President of the United States who said we are leaving behind the most peaceful, prosperous, and democratic Iraq in its history. Last night, Mr. Trump was right when he said that Al Qaeda went to Syria and became ISIS. We had Al Qaeda defeated. It was over.

I would also remind my colleague that one of the most consequential hearings in the history of the Armed Services Committee was when we were about to have a resolution through the Congress calling for the withdrawal of all troops because our strategy had failed. There was no strategy. The Senator from South Carolina and I called for the resignation and the firing of the then-Secretary of Defense of our own President, George W. Bush, because we were failing. Then along came the surge and David Petraeus. It was then-Senator Clinton at that hearing who said—and whoever wrote it for her, in clever style: I would have to have a willing suspension of disbelief in order to think that the surge will work.

She was wrong then, and she is wrong now because the surge did work—thanks to the sacrifice of so much precious American blood at places like Fallujah. Then, we had it won. Then, the worst lie that I have seen in my time in the Senate was this: Well, we couldn't have stayed because we had to withdraw.

That is a lie. We could have stayed. The Senator from South Carolina just described the meeting we had with Maliki. The fact is clear. Al Qaeda then moved to Syria. It became ISIS. Now we have seen the consequences of the abject failure of that administration, that President, and that Secretary of State. You cannot deny the facts.

I would say to my friend from South Carolina that this didn't have to happen. But what is happening now, as a consequence of that failure—as much as we want to revisit history—is that we could stop it now. We could stop it now. We could declare a no-fly zone. We could have a 100,000-person force—90 percent of them from Sunni Arab countries—and go into Raqqa and take them. We could tell Bashar Assad that he has to stop the slaughter. The barrel bombs have to stop, or we will take their planes out of the air.

You know what would happen? The next time one of them was shot down after dropping bombs and these terrible weapons on innocent civilians, it would stop.

Mr. GRAHAM. You have been a fighter pilot in combat, flying for your Nation, and you know what it is like to risk your life. I would say this. If we had an American President who would tell the Russian President that we are going to train forces inside of Syria to replace Assad because Assad must go for the benefit of the region and the world at large, and if you come after the forces we trained, then you put your own people at risk, they wouldn't come. If you shot down one Syrian jet that was trying to bomb innocent people or the people we are training, it would be hard to get the next pilot to fly. That is the fact. That is a fact, I think.

Here is the other fact. We are doing none of that. We are watching people get slaughtered. Here is the question for those who want to be President and for this body. You are never going to win in Iraq again unless you have some troops left behind this time. Here is the question. Let's say we liberate Mosul, and that is going to be hard to do with the number of troops we have on the ground, because every American soldier is a force multiplier—a trainer, an adviser bringing capability to the fight that the Iraqis don't have themselves. So everyone we have over there, within reason, ensures the demise of ISIL and accelerates the chance of destroying ISIL and not having to rely on the Shia militia from Iran.

If you are worried about Iran being the big winner in Iraq, you should be because they are. The only way you are going to stop this dynamic is to have more American forces—somewhere around 10,000, and we are getting close at about 7,00 now—and they have to stay behind to keep Iraq from falling apart again. That is my humble opinion.

JOHN MCCAIN has been far more right than he has been wrong. Everybody tells us that every time we suggest something, that would create a lot of problems. All I can say is this: At what point do you realize we have a lot of problems? This thing is going to get worse if it doesn't get better, and the only way for it to get better is to do something different. The 5,000 troops are appreciated. Incrementally, they are doing what we suggested 3 years ago. We are still not there.

But look at Syria. Here is my warning to the American people and to the world at large. What we have on the ground in Syria cannot possibly destroy ISIL and hold the territory. You are going to need a lot more troops from the region who would be welcomed in the area in question. The Kurds cannot liberate Raqqa. They cannot destroy ISIL. They cannot hold the territory. Until you get regional forces involved, this will never work. You will never have any diplomatic solution until there is military pressure put on Assad.

Currently, if you are joining the American effort to destroy ISIL, you are prohibited from going after Assad. The people in Syria and the region want two things—the destruction of ISIL and the removal of Assad, who has been the butcher of Damascus. We are not providing the second. The Russians and the Iranians are all in behind Assad. We have abandoned the people who joined our cause years ago. Four years ago Assad was on the ropes. Obama blinked; the rest is history. Going forward, if we don't have a different ground component in Syria, we will never destroy ISIL and hold the territory, and we will never end the war without putting military pressure on Assad, and that is going to require a regional commitment with an American component. If you don't do that, another 9/11 is coming here because they have the ability to plan and project force. We have seen it in Paris and other places. I am not talking about one or two people; I am talking about a group of people who can do a lot of damage to the United States. Every day that we let Syria get worse, every day that ISIL enjoys the ability to operate, the longer it takes to get them destroyed will put us more at risk. This strategy will not work.

Secretary Clinton's approach is no different than Obama's. She is for a no-fly zone, and I give her credit for that, but if you don't realize we need a new ground component in Syria, then you are giving ISIL the time they need to send their forces throughout the world, including here. If we don't stop them over there, they are coming here, and

our plan to stop them over there will never work unless we change it.

Mr. McCAIN. I will leave my colleagues again with the words of former Secretary of State George Shultz:

The truth is, power and diplomacy must always go together, or we will accomplish very little in this world. Power must always be guided by purpose. At the same time, the hard reality is that diplomacy not backed by strength will always be ineffectual at best, dangerous at worst.

That is the situation we are in today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JOSE FERNANDEZ

Mr. RUBIO. Mr. President, I awoke early Sunday morning to familiar news in Florida. Three boaters had lost their lives in an accident, and at the time their names were not known. Unfortunately this happens quite often, especially at night and during this time of the year. A couple of hours later, as I was driving to church with my family early that morning, I got a text that I didn't get to look at until we had parked, and it basically said that Jose Fernandez, the all-star pitcher from the Miami Marlins, had lost his life in a boating accident. Immediately I was able to connect the two events and realized that one of the three boaters who had lost their lives in the boating accident was Jose Fernandez—and his two friends, Emilio Macias and Eduardo Rivero.

His death at just 24 years of age has obviously devastated his family, but it has also had an extraordinary impact on our community. It has shaken the Miami Marlins organization and its fans. It has rocked Tampa, FL, where he played in high school, and South Florida communities where he lived and was just starting to make his mark. It has had a deep impact on immigrant communities, especially the Cuban exile communities in South Florida, and, of course, the entire baseball and sporting world.

His talents were unquestionable, even though he had only a brief and shining career in Major League Baseball. He had played for a year, was injured over the past 2 years, and when he came back, he had a better year than he did in 2013 when he was Rookie of the Year. He was obviously a young man on his way to a distinguished career that I believe would have led to the Hall of Fame and, perhaps along the way, a couple of pennants.

It is interesting that his impact goes well beyond what one would normally think of a star baseball player. You ask yourself: Why did this young man, who had been with us for just a brief moment, lead to such an outpouring of grief from a community? Anywhere you go in Miami, that is all anyone could talk about over the last 48 hours. I think that to understand it, you have to understand his story.

I had never met Jose Fernandez, yet I feel as though I knew him, and that is how millions of people feel. They had never met him, but they feel as if they know him. They feel as though they know him because his story, his family, and his passion, in the end, is our story, both as Cuban Americans and as Americans.

By now, most of the Nation has seen tributes to Jose. They have seen commemorations showing footage of what he accomplished on the field in the way most baseball fans knew him—as Jose Fernandez, the dominant baseball player, the Tampa Alonso High School phenom who lead them to two State titles. He was a first-round draft choice, Rookie of the Year, and two-time All Star. As a baseball player, quite frankly, there were few better than Jose Fernandez. But, from everything we know, off the field, as a human being, a son, a grandson, a teammate, and a neighbor, I believe he was even better.

He was born in Santa Clara, Cuba, in a place where tree branches and rocks are what passes for Louisville sluggers and Rawlings balls. He was drawn to the national sport of Cuba. He would spend countless hours swinging branches at rocks he had collected, dreaming of the day his talents could and would take him somewhere else. Thanks to sacrifices by his mother, who would take him to the ballpark so he could play youth baseball, he started to demonstrate a special talent at a young age.

By the time he was a teenager, like more than a million Cubans during the past 50 years, Jose faced a difficult choice. His stepfather, a baseball player in his own right, had defected after 13 attempts and made himself a life in Tampa. Jose could stay in Cuba, a place that, to this day, is still ruled by a despotic regime where your talent and work can take you only as far as unelected dictators say you can go, or he could risk it all for a chance at freedom. He risked it, not once, but on four separate occasions. So desperate was he to leave that island that he took his chances crossing the Florida Straits on boats that probably had no business being more than a few miles off shore. Three times he tried, and three times he failed. After his third attempt, the Cuban Government put him in prison for 2 months. He was 14 years of age at the time and was placed in a prison cell with hardened criminals, murderers—a boy among the worst.

Then came a fourth try, but instead of a short and treacherous journey to Miami, they chose a longer and more dangerous journey to Mexico. At one point during that fourth journey on a boat being tossed by crashing waves and high seas, he heard a splash and saw someone in the water thrashing about 60 feet away from the boat. He didn't know who it was, and without thinking, he jumped in to save that person. It was only when he got close to the person who had fallen overboard that he realized who it was—his mother. He recalled swimming toward her and watching her struggle in the rough seas. When he finally reached her, he calmed her and told her: Grab my back, but don't push me down. Let's go slow and we will make it. She held his left shoulder, and with his right arm—by the way, his pitching arm—he paddled. He swam 15 minutes back to the boat in waves he later described as ''stupid big,'' and he pulled himself and his mother to safety. Jose was 15 years old.

Before America ever met Jose Fernandez and before his fastball earned him millions of dollars and countless fans, this young man of only 15 had struggled against all odds in the middle of the night in rough seas, revealing who he was and what he would one day be. As he would later tell us, the harder part of his life was still to come.

Like so many immigrants, my parents included, his first years were difficult. He struggled when he first arrived, feeling overwhelmed by his new surroundings and new language. He was helpless, alone, and missing his family, especially his grandmother, who he once said was the love of his life: ''She was my everything.'' He said it was the toughest period of his young life. It was even tougher than the time he spent in a Cuban prison after he tried to defect, but he overcame all of that and eventually came into his own.

He was a star on the high school diamond in Tampa, and the scouts took notice. Before the 2011 draft, Major League Baseball released their scouting report on him. He got high marks for his athletic abilities, but what set him apart was how he rated when it came to his poise, instincts, and aggressiveness. The notes on the official scouting report read: ''Exudes confidence. No fear approach.'' This was not cockiness or arrogance. It is the kind of peaceful self-assurance that comes from a kid who had known life and death, had known freedom and captivity, and had lived more life in 19 years than a kid his age should have to.

He finally reached the Major Leagues with the Marlins, and right away you saw a young man blessed with Hall of Fame talent, blue-collar work ethic, and played the game with the energy and enthusiasm of a boy who understood and appreciated just how blessed he was.

One of Jose's proudest accomplishments—in fact, he said his proudest—was not on the diamond. We know this because he told us. Last year, Jose became an American citizen, and afterward he said:

This one is my most important accomplishment. I'm an American citizen now. I'm

one of them. I consider myself now to be free.

I thank this amazing country for giving me the opportunity to go to school here and learn the language and pitch in the major leagues.

It's an honor to be a part of this country, and I respect it so much.

Jose knew. He knew how special and fortunate and blessed he was and we are. He knew how improbable his journey was, from the rocks and branches in Santa Clara to the brightest lights of the show, from a Cuban prison to a Major League clubhouse, from living in a Communist nightmare to living the American dream. And that is why Jose's death has hit so many so hard; Jose's story is our story. He reminds so many in my community of someone they know—a brother, a son, or a nephew. Jose represented not just all of us who were fortunate to live our own American dream; he represents countless others who never made it, the ones who lie in unmarked graves along the Florida Straits, those who died in political prisons in Cuba, those who sent their children to America hoping to join them later only to never see them again, those who long gave up hope that life in Cuba could ever return to what it once was but had found new hope, joy, and gratitude in this, the greatest country the world has ever known.

We loved him just a little more and took more pride in him than most, but Jose didn't just belong to Cuban Americans. He was a young man from Santa Clara, Cuba, playing America's pastime in a truly unique American city on a team with players from Taiwan; Venezuela; Japan; Dominican Republic; Mobile, AL; and Panorama, CA. Jose Fernandez was the pride of Miami, but he belonged to every fan who loved to watch him pitch. When Miami saw Jose, they saw more than just a great athlete, they saw all their hopes, dreams, and aspirations—all we are and all we could be, and we said to ourselves: This is what the American dream looks like, and, boy, is the American dream alive and well.

This young man meant a lot to a lot of us for different reasons and in different ways, and now, just as quickly as he came into our lives and was coming into his own and really starting to fulfill his athletic potential—just as we were getting to know him, he was gone.

In a moment of unimaginable grief, I thank his family for bringing him into this world and raising him, despite difficult obstacles, to become the man he was, and for encouraging Jose to never give up in the search for freedom—a freedom that eventually allowed him to share his many gifts with us on and off the field.

Jose Fernandez made Tampa's Alonso High better, the Miami Marlins better, and he made all of baseball better. He made Miami and Tampa better, and the way he lived his life reminded us of how blessed we are to live in this, the greatest Nation on Earth. My friends, that is not bad for a 24-year-old kid from Santa Clara, Cuba.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his suggestion?

Mr. RUBIO. Yes.

Mrs. BOXER. I thank the Senator.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I want to associate myself with those remarks that were made. It is a tragedy to lose such a fighter, talent, and hero like that.

Speaking of heroism, we need a little bit of it on the floor here. We need to have a leadership here that understands when children are being poisoned by lead in their water, we need to do something about it. We need leadership that understands that, just as the people of Louisiana deserve every bit of help, so do the families of Flint. We need a leadership that understands our responsibility to children.

What good are we?

Now, I have to say, I stand here as the ranking member of the Environment and Public Works Committee, and we are responsible for the Safe Drinking Water Act and Clean Water Act. My partnership with Senator INHOFE, which has been noted by a few around here, has extended to taking care of the people of Flint. We took care of the people of Flint and all of the kids who were exposed to lead in the water in the Water Resources Development Act that passed here with over 90 votes. That is good. That says there is goodness in the U.S. Senate, but unless we can deliver this bill and put it on the President's desk, it is a meaningless goodness. It is for-show goodness.

I have to say, it is so simple. The continuing resolution has in it help for Louisiana, and those people deserve that help but so do the people of Flint.

How easy is it? It is already paid for. We figured it out. It doesn't cost a penny. Unlike helping the people of Flint where we put that into the emergency spending, we have paid for the way to help the people of Flint and the children all over this country who have suffered from the impact of lead.

I want to show you some charts that demonstrate what it is like. This is what corrosive water has done to leach the lead out of these pipes. These are the drinking water pipes. Why did it happen? Because unelected people in Flint, appointed by the Governor there, decided they wanted to save a few bucks and they changed the source of the drinking water. They switched to a very corrosive drinking water. It leached all this lead out, and the lead poisoned the children. That is a simple fact in evidence. We need to fix it. We need to replace it.

I want to show you something else. This is what it looks like. If you saw this color water coming out of your tap, you would get out of the house with your family. I would get out of the house with my family. We are lucky. We have more resources than a lot of folks.

I want to show you some more pictures and some more charts. This headline: ''Pregnant women, kids cautioned over Jackson water, lead.''

This is Newsweek: ''WITH LEAD IN THE WATER, COULD SEBRING, OHIO BECOME THE NEXT FLINT?''

The next Flint? These are other cities in our country where the lead is leaching into the drinking water. This is not a Democratic or Republican issue. We fixed it over here, all of us together. Now we are being told by the Republican leader that he can't possibly take care of it in the continuing resolution while he takes care of other places. Since when do we play God and decide which people are deserving of our help? When they are suffering, you help people. When there has been terrible mistakes made with the drinking water supply, you help people, and we did it in a way that is financially and fiscally responsible. We figured out a way to pay for this new program that will not only help Flint pay for their pipes but will help cities like this all over the country.

Here is another headline: ''Elevated Lead Levels Found in Newark Schools' Drinking Water.''

''Lead in water not confined to Flint.''

Our provision that we put in helps people all over this great Nation of ours. What else do we have to show? I want to tell you the list of organizations who are calling to add aid to Flint and these other cities into the continuing resolution: The AFL–CIO, Catholic Charities, First Focus Campaign for Children, the Congressional Black Caucus, Human Rights—represents more than 200 national organizations—A. Philip Randolph Institute, the ACLU, African American Ministers, American University Women, American Family Voices, American Federation of Government Employees, American Federation of State, County and Municipal Employees, American Federation of Teachers, American Islamic Congress, American Rivers, American-Arab Anti-Discrimination Committee, Americans for Democratic Action, Andrew Goodman Foundation, Asian and Pacific Islander American Health Forum, Asian Americans Advancing Justice, Asian Pacific American Alliance, Bend the Arc Jewish Action, Campaign for America's Future, Catholics in Alliance for the Common Good, Center for Community Change Action.

We can see all the interfaith groups. Every religion is asking the majority leader to take care of these children. For God's sake, where is your heart? Where is your heart?

We have paid for it. We have taken care of it. We are helping Flint. We are helping all the communities. Let's continue to see these groups: Center for Law and Social Policy, Children's Defense Fund, Children's Health Fund, Common Cause, Disability Rights Education & Defense Fund, Environment America, Every Child Matters, International Association of Official Human

Rights Agencies, National Association of Social Workers, National Black Justice Coalition, the National Coalition on Black Civic Participation Black Women's Roundtable, Jobs With Justice, the League of Conservation Voters, the League of United Latin American Citizens, MomsRising, the NAACP, the United Automobile, Aerospace and Agricultural Implement Workers of America, the Jesuit Conference of Canada and the United States.

Where are your values? Where are your religious values, I say to the majority leader. You can take care of this, and it doesn't cost a penny, and you will shut down the government rather than do this? You have to be kidding.

Here are some more organizations: National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Law Project, National Fair Housing Alliance, National Jobs for All Coalition, National Urban League, National Women's Law Center, the National WIC Association.

Do you know what WIC stands for? Women, Infants and Children. They make sure our babies are healthy, and they know there is no safe exposure of lead in a child, and they know lead builds up.

Here are more organizations: Restaurant Opportunities Centers United, Service Employees International Union, the Sierra Club, the United Church of Christ Justice and Witness Ministries, the United Methodist Church General Board of Church and Society, Voices for Progress, People for the American Way.

We don't want to listen to Democrats? Listen to the churches. Listen to the great religions. Listen to the people who fight for children. Put Flint in the continuing resolution. It doesn't cost a penny.

I want to go back to the photo of what it looks like when lead comes out of the water. I want to show you that picture. That is what it looks like. The majority leader, when asked about this, says: Oh, I don't have to put this in the continuing resolution. I just know, I know that we are going to get this in the Water Resources Development Act.

As I started out saying, this Senate voted by more than 90 votes to fix Flint and to fix this problem with lead in the drinking water by setting up a paid-for program in the WRDA bill. I thank Senator INHOFE, my chairman. What a joy to work with him and his staff office. He is committed to this. I am committed to this.

What about the House? Because I don't have to tell you or explain to you how a bill becomes a law. It has to go to the Senate. It has to go to the House. It has to go through a conference committee to debate the differences, then it has to go to the President to either sign or veto. OK. The House passed a WRDA bill. Guess what is not in their bill? Flint.

Guess what is not in their bill? Any provision to deal with lead in drinking water. They think: Trust us. We don't need it in the CR. Let's take care of these other people, but we don't need a continuing resolution. Don't shut down the government. Come on. We will take care of it in WRDA. Really? Well, they had a chance yesterday to allow an amendment to add Flint's provisions to the WRDA bill. Guess what they did. They said no. They said no. They will not even allow a vote. Chairman SESSIONS—not Senator SESSIONS, this is Chairman SESSIONS over there in the Rules Committee. He said: You know, Flint can be an earmark. Well, No. 1, it is not an earmark because we take care of all areas where there is lead in the drinking water.

No. 2, what did PAUL RYAN say? The Speaker over there, the one who said he is so compassionate for poor people, said: This is a local matter.

A local matter? How is it a local matter, when the people of Flint were being governed by people appointed by the Governor and they decided to save money and they didn't care what happened? They went to a cheaper water supply and they poisoned the people.

A local matter, really? Is it a local matter to not have safe drinking water? Really? Ask the people who served when Richard Nixon was the President, and he started all the environmental landmark laws.

People have a right to clean air. People have a right to clean water. People have a right to safe drinking water. People have a right to these things, and we have a responsibility to ensure that they have that right because the consequences are dire.

A local matter? That is Speaker RYAN, the Republican Speaker, who said he is so compassionate. Why isn't he making this happen? Why isn't he helping us? We cannot trust the House to address Flint. They proved it yesterday. They will not even allow an amendment. All they have to do is allow an amendment and the amendment passes, same as the Senate, send it to the President. It is in the bill. We are done. We are happy. Then you don't have to put it in the continuing resolution. All you have to do is take up and pass the Senate bill, the Senate WRDA bill, which passed here with over 95 votes. Do you think they would take it and pass it in a time when we can't even agree on a resolution commending Mother's Day? We can't even agree on something simple.

We agreed with 95 votes on a WRDA bill. Take it up and pass it, get it off the plate, and then we can get this issue behind us. They will not do it.

The suffering in Flint has gone on for far too long. The crisis began in 2014, when that unelected Flint leadership appointed by the Republican Governor of Michigan cut costs by switching the water supply to the corrosive Flint River. The city managers failed to use corrosion control measures, and that was a disaster because lead began leaching into the water from the aging drinking water pipes.

We will show those pipes again. Look at that picture. That is frightening.

It wasn't until January of 2016 when the government declared a state of emergency. Meanwhile, a local doctor began warning of the high levels of lead in children's blood, but State officials assured those parents their water was safe to drink. One hundred thousand working-class Americans in Flint—African Americans, White Americans, Hispanic Americans—41 percent living below the poverty line, used contaminated water for drinking, for cooking, for bathing for months without knowing about it because these so-called local officials appointed by the Republican Governor refused to tell them there was a problem, and the Republican leadership here has the temerity to say those people don't deserve relief or say that we will take care of it in the Water Resources Development Act, when yesterday the House refused to do it. There are 12,000 Flint children who were exposed to lead-tainted water, according to NBC. Those children will be dealing with the harmful consequences of lead contamination for the rest of their lives. No safe level of lead is known. There is no safe level, and the exposures are generally irreversible.

What does lead do? It harms the developing brains and nervous systems of children and fetuses. This is a tragedy. Yet the Republican leader comes to the floor and says: Oh, we will take care of it after the election. Don't worry about it.

No, that is wrong. That is not right.

In my position as the ranking member of the Environment and Public Works Committee and before that, as chairman, I swear I could stand here and tell you I gave my heart and soul for the people of Louisiana and the gulf coast when they were hit by strife. I went to Louisiana. I stood with the people of Louisiana. I stand with them now. They deserve our help. So do the people of Flint, and so do the people of all the communities that are suffering from lead in drinking water.

It has been over 9 months since Flint was granted an emergency declaration, and the citizens continue to deal with the horrible water crisis. They do not have access to safe drinking water. This started in 2014, and in 2016 the Republican leader doesn't understand that is wrong, that we haven't helped those people. Come on. Don't hide behind the Water Resources Development Act because in the House they have not agreed to fix it. Why are Republicans picking and choosing communities that deserve our help?

We are going to have a vote today, and that vote is important. We need to be strong. We need to say we are for helping the people of Louisiana, we are for helping people, but we are not for leaving out these poisoned children and this community that has been suffering when we can fix it without a penny of taxpayer cost.

I hope we are going to vote no on that, and maybe then the leader will decide to put Flint into this continuing resolution. We cannot play games with this. This can be fixed. Ninety-five Senators know how to fix it. This can be fixed.

We are very worried about this issue of lead in drinking water because millions of homes across America receive water from pipes that date to an era before scientists fully understood the harm of lead exposure, so there are lead pipes. If you put the wrong type of water into those pipes, it will leach the lead out. So families are unknowingly bathing in lead, they are drinking lead, and they are cooking with lead. This is wrong.

The Presiding Officer has to hear this. This is very important to hear. We don't just fix the problem in Flint, we set up a new program to help communities all over the country. The American Water Works Association estimates that as many as 22 million Americans have lead service lines. So what are we going to say? We won't take care of this in the continuing resolution; we will just throw it over into the water bill. Yet the House Republicans are very disinterested in this.

I have read the organizations—and this is the first time I have actually looked at all those organizations.

I just wish to make this last plea to the Republican leader and to all of you who run this place here, for now, and that is this: If we are here for any reason—and we thank God we are here. What an honor it is to be here. As I look at my days dwindling down in the Senate, I am filled with an emotion that I have been able to help so many people. Why are we here? Not to hurt people, not to turn a blind eye to the suffering of people, but to step up to the plate and say: You know what, we understand, and we are going to help. We have a chance to do that.

I was so proud of my partnership with my Republican friends on the Environment and Public Works Committee. We took care of this in the WRDA bill. We solved the problem in a fiscally responsible way and a judicious way. We have it solved. It is done. The work is done, and 95 Senators stood behind that work.

What we want to say to the House is this: Take up and pass the Senate bill. Take care of this matter. If you can't do that, give us an ironclad commitment that you will absolutely get it done.

Short of that, it has to go into the continuing resolution. Until then, what we are doing in the continuing resolution is saying yes to the suffering and pain of some of our beloved citizens and no to the suffering and pain of another set of our beloved citizens. This is the United States of America, not the Divided States of America. We care for all our children, for all our families. We look at safe drinking water as a right. That is why we have the Safe Drinking Water Act. That is why we have the Clean Water Act. These were signed by Republicans and Democrats, signed into law by Republican and Democratic Presidents.

I hope that the leader, with whom I have had some excellent relations of late, will rethink this and that we can leave here in an election year knowing we helped all the people.

Thank you very much.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senate is scheduled to vote at 2:15 on the continuing resolution. The resolution will provide $1.1 billion in emergency funding to respond to the Zika virus outbreak. Funds are included to accelerate vaccine development, provide mosquito control in areas where the virus is being transmitted, and address health conditions related to the Zika virus.

The bill also includes $500 million to help Louisiana, West Virginia, and other States recover from devastating floods. We will continue to assess the total recovery needs in those States, but this funding is needed immediately to help get residents back into their homes and businesses.

The fiscal year 2017 Military Construction and Veterans Affairs appropriations bill is also included in this legislation. The bill provides record levels of funding for medical care and other important veterans programs. It also funds housing for military personnel and their families and supports infrastructure that sustains U.S. military forces.

Enactment of the Military Construction and Veterans Affairs appropriations bill would mark the first time since 2009 that a regular appropriations bill has been signed into law before the end of the fiscal year. This would be another step in the right direction as we seek more regular consideration of appropriations measures.

This legislation also includes a continuing resolution to sustain government operations at current levels until December 9. This will give us additional time to complete work on the fiscal year 2017 appropriations bills. I am pleased that the Appropriations Committee reported all 12 of the regular appropriations bills for the second year in a row. The Senate has approved three of these bills. We look forward to completing our work on the remainder.

I urge the Senate to approve the continuing resolution.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I rise today to ask my colleagues to support this cloture motion this afternoon and move forward in passing the continuing resolution to fund our government through December 9.

Flooding is a national emergency. I have heard many Members talk about the flooding in Louisiana, West Virginia, and Texas.

It is a devastating circumstance we find ourselves in in the State of West Virginia. Twenty-three West Virginians lost their lives. Amazingly, the last victim was found—a 14-year-old girl—probably just a month ago. Twelve counties were declared Federal disaster areas. For some areas of West Virginia, this was a thousand-year event. It came up so quickly. Some of our oldest and our poorest communities suffered serious destruction, and nearly 90 percent of the homes and businesses affected did not have flood insurance.

I toured most all of the affected areas and talked to some very brave people and very brave local mayors, who were doing a great job. There are 5,100 homes and businesses that have suffered a loss, as verified by FEMA. Seventy-five percent of the affected homes have been deemed unsafe by inspectors, so we have thousands of people who are not living in a permanent home situation. Some are still living in temporary situations that are unsafe, and certainly, moving into the fall, it would be very unhealthy.

There is a significant need for resources to help communities, individuals, and small businesses to recover, and disaster-related needs go beyond the disaster reimbursement provided by FEMA. Our Governor, Earl Ray Tomblin of West Virginia, wrote to President Obama earlier this month outlining the significant need for disaster aid. The Governor's letter identified $310 million in flood-related needs from the Federal Community Development Block Grant Program.

I am a member of the Senate Appropriations Committee. I very much appreciate our chairman, Senator COCHRAN, coming to the floor today to implore, after all this hard work trying to get this continuing resolution confirmed.

I have worked hard to secure the resources in this bill for our West Virginia flood victims. The legislation we will vote on today takes an important step to address flood recovery in disaster-stricken portions of West Virginia and certainly for our friends in Louisiana and other parts of the country. I thank my colleagues on the Appropriations Committee. I thank the leader for listening to me. I thank Chairman COCHRAN and Senator COLLINS, who chairs the subcommittee, for responding favorably to my request for these desperately needed resources.

This bill begins to address this by including funds for the Community Development Block Grant Disaster Recovery Program. Those funds will help meet housing and infrastructure needs in communities impacted by the flooding in West Virginia and all across the country.

Given the need in my State and other States, such as Louisiana and Texas, additional disaster funds beyond those in this bill will be needed. This is an emergency. This means now. These floods occurred several months ago.

I could have easily come to the floor today and heralded the record funding

this bill includes for our Nation's veterans or the important resources it provides to help combat our opioid and heroin epidemic—something that is devastating my State and many States across this country. These are needs facing all States. They should have been addressed by our regular appropriations bills.

No one likes the fact—well, I don't think anyone likes the fact that a continuing resolution is necessary. The Senate Appropriations Committee, of which I am a member, passed all 12 of the appropriations bills. Many of them were bipartisan and worked out between the chair and the ranking member. I wish the Senate had acted on all of these. We tried for weeks and weeks to get cooperation to move through these bills in a predictable and very responsible manner so that we could have addressed our Nation's priorities in a fiscally responsible way. But this bill today keeps our government open and provides the additional resources to help our flood victims who are still suffering so much. It helps our veterans, and it helps to address those who are suffering this new and devastating scourge of opioid and heroin addiction. I ask my colleagues to join me in supporting this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to also speak about the continuing resolution, and I speak in opposition to the continuing resolution.

I just want to say to the Senator from West Virginia that I so respect the leadership role she has played in the Senate. What a diligent Senator she is, in her advocacy for West Virginia and the flood victims who really have not only my sympathy but as the vice chair of the Committee on Appropriations, I would like to be of help to her and to the people of Louisiana and West Virginia, but I would also say we can't leave out Flint, MI. We just can't.

Now, we don't want to ''Christmas tree'' the bill—she and I are experienced legislators—but really, when we think about Flint, imagine living off of bottled water. Imagine trying to run a small business. I don't know if my father who had a small grocery store could have kept it open. I do hope we can put our heads together to come up with a solution, get rid of the poison pill riders, and meet the compelling human needs, as the Senator articulated so well, and find a solution to keeping the doors of government open. Right now we need an open mind in talking with each other, and so I look forward to being able to do that.

Mr. President, I do come here to discuss keeping the government open. That is really important to me. I have 300,000 Federal employees in Maryland, and they do everything from working at NIH to find a cure for cancer or find a cure for Alzheimer's to working at the weather service so we can provide communities large and small throughout America the information about the weather they need to prepare for everything from natural disasters to planning to prevent our oranges and peaches from freezing on the trees.

The Senate has until Friday of this week to avoid a government shutdown. As I said last week—and I have said many times—Democrats are ready to negotiate. We are willing to compromise, but there are certain things we cannot capitulate on, and Flint, MI, is one.

Last week, the majority leader, the distinguished Senator from Kentucky, Mr. MCCONNELL, filed a Republican continuing funding resolution. The leader has ''filled the tree,'' which is Senate speak for meaning we cannot amend the continuing resolution before us. So we are stuck. We are stuck in the same old ways, with the drama of being so close to the deadline, it can threaten a showdown, a slamdown. This is not where we want to go.

What do Democrats want? Well, we want what the American people should want. No. 1, let us keep the government open through December 9. Now, I am not saying shut it down December 9. I am saying that by December 9, we could come to a complete omnibus bill, meaning our total funding for the fiscal year that lies ahead.

Second, as Americans, we need to look at each other across the aisle, across State borders, and meet compelling, urgent needs, such as Zika, such as the floods in Louisiana and West Virginia and other States, and in Flint, MI.

We need to be free of poison pill riders like the rider preventing the Securities and Exchange Commission from requiring companies to tell investors where they are putting their political contributions. What is wrong with that? Shouldn't we have an open and transparent process? We are not asking any company to reveal their trade secrets, but trading in political contributions should not be a trade secret. It is about are you trading, are you ashamed—are you ashamed of your political contribution? Wow. Is that what you want to do? You want to hide it? I don't think that is America. We are not saying to whom companies should give, but they should tell us to whom they did give.

Let us also provide a full year of funding for our veterans and our military construction, most of all for our veterans. Talk about compelling human needs. We are just weeks away from once again celebrating Veterans Day. Celebrating veterans shouldn't be just 1 day a year. It has to be every day of every year.

We have men and women—some of whom have served in the Senate, such as the distinguished Senator from Georgia, Mr. Max Cleland, and others—who come back bearing the permanent wounds of war, and we need to pay and bear the permanent responsibility for caring for those who did serve. We need to be able to back our veterans and not just with lip service and wonderful yellow ribbons. We need to do our duty. We have the funding ready for the defense of the Nation and the things to protect America outside of DOD.

We have agreed on helping with Zika and victims in Louisiana, but the Republican continuing resolution doesn't help Flint, MI, and it includes poison pills. So I want to end the partisan gamesmanship—no shutdowns, no slamdowns, no showdowns. That is why I want to be clear about three changes I strongly recommend.

No. 1, we need Flint, MI, funding. I see the Senator from Michigan is now on the floor. She is a sister social worker, and I so admire her unabashed, unrelenting, unflagging support, particularly for the children and particularly for the small businesses for Flint, MI. She has been so steadfast, unflagging and unrelenting, and we need to be the same way.

We had $220 million for water infrastructure that passed in the Water Resources Development Act on a vote of 95 to 3. Guess what. It is fully paid for. So what is the problem? What is the problem with Flint, MI?

When I think about Flint, I think about little children with lead in their drinking water. What does that do? It stifles intellectual development. It inhibits you for the rest of your life from fulfilling your God-given full intention. If we respect life, we should do all we can to sustain it.

Then, think about small businesses. Think about trying to run a business when you don't have water. Water, water, everywhere water, water, but none of it fit to drink. How do you run a little diner? How do you run a little diner or a produce stand?

As I said, my father owned a small grocery store. Everything was spotless. Everything was meticulously clean. He made sure his fruits and vegetables were clean. Everything was clean. He didn't have lead in the water. So let's get on with it.

We know there are people in this country who have been hit by floods. They have too much water. Flint has too much of the wrong water. We can right that wrong by just joining our hands and understanding compelling human need. It doesn't come from a Democrat or a Republican ZIP Code, it comes from the United States of America, and we should be united in dealing with it.

We should strip out the poison pill riders, such as the SEC political contribution transparency rider. We should reduce the Zika offset package to $375 million. These are reasonable changes that if the Republican caucus is willing to agree, we could pass the continuing resolution today.

I remind my colleagues that when I became the first woman to chair the Committee on Appropriations upon the death of the esteemed Senator Inouye, the funding to respond to Hurricane Sandy was on the floor. Working together, we were able to pass that bill

and meet compelling human need. I would like to be able to do that now.

Throughout my tenure as the chair and vice chair of the Committee on Appropriations, I have lived by the principle that we owe the American people help when disaster strikes. We should respond to Zika that is now affecting 23,000 people, 2,000 pregnant women. We need to help the victims of Louisiana and other States that have been hit. We just saw the terrible things going on in Iowa. We must help the 100,000 people in Flint who are still waiting for the water in their pipes to be clean and their children, being exposed to lead, protected. The people of Flint need help.

We passed the WRDA bill, and we need now to pass a CR that gets rid of poison pill riders, meets compelling human needs in every part of our country, and also makes sure our veteran funding is there to ensure there is no backlog in applying for their disability benefits and no backlog when they try to get to see a doctor.

I am so proud of my Committee on Appropriations that is working with the VA on the veterans bill. We have a wonderful bipartisan bill working to meet the needs of rural veterans and veterans who had to wait in line for mental health needs and the other support we need to help with.

So let's do our job, really. Hello? Let's do our job. I believe there is still time to work this out, but until we do, I oppose cloture on the McConnell substitute.

Mr. President, that concludes my remarks, and I yield the floor.

The PRESIDING OFFICER (Mr. PAUL). The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I thank the Chair.

Mr. President, the first thing I want to do is thank our very distinguished Democratic ranking member on the Committee on Appropriations, the former chair, Senator MIKULSKI. She has been with us every step of the way.

I have learned a lot about lead exposure. I thought I knew a lot, but by sitting down with Senator MIKULSKI, when we have had an opportunity to have discussions about potential treatments to help and impacts regarding the lead, I have learned how very frightening it is, particularly for children what lead poisoning means.

Over the years, I have appreciated Senator MIKULSKI's advocacy and leadership with the National Institutes of Health and the Centers for Disease Control and in other areas on health care. That leadership has made a tremendous difference, including helping to create a way to have some options on treatment for children. So I want to thank her. We are going to greatly miss her. I don't think we are going to let her go. She is just amazing, as is her staff and their commitment and support and understanding of what the people in Flint are going through.

Two weeks ago now, we were feeling like we were on our way finally. We spent the last 8 months getting through various procedural hurdles and objections to get help for Flint and other communities with lead poisoning and other water issues. We had a bill come to the floor, and I greatly appreciate the majority leader bringing it to the floor. We had a terrific bipartisan team, with Senator INHOFE and Senator BOXER leading us in passing a very important bill. As I have said, it passed 95 to 3. That doesn't happen a lot around here—95 to 3. We thought we were on our way. The families of Flint were in town at that time, and we felt like, finally, maybe there was some hope.

We were told WRDA would be coming up quickly the next week in the House. That didn't happen. What we saw instead were comments that House leadership—the Speaker and the chairman of the committee—would not support Flint being a part of the House WRDA bill.

We have heard, on the one hand, that we should wait for WRDA, and then the same people say, but we don't support putting Flint in WRDA. OK. We have the same people saying this is a local issue, while the House Government and Oversight Committee and Chairman CHAFFETZ held hearings, bringing in the EPA Administrator and challenging her to step down because of what the EPA did in Flint. So, OK, it is local. No, it is the EPA, which is Federal.

We feel like we are being bounced back and forth and back and forth, and the bottom line is, people in Flint still can't drink the water. Since mid-August, we have had more than 611,000 cases of bottled water delivered to families in Flint. In fact, ''delivered'' is the wrong word because most of the time they have to figure out a way to pick it up. If you are riding a bus, walking, or if you have a car, you are trying to figure out when you are going to get the bottled water to bathe in, feed your children with, cook with. This has gone on day after day after day.

So while we thought we had a path, now it is extremely unclear. I trust our leaders here—Senator INHOFE and Senator BOXER—in the Senate, but we are getting a very different message from the House of Representatives, and then all of a sudden we have a short-term appropriations bill, a continuing resolution, where we could, in fact, stop all the back-and-forth, ping-ponging, and get this done for the people of Flint. We are told no. The people of Flint are told no. Then all of a sudden there is help for Louisiana.

I am happy to support the people of Louisiana. It would be a tragedy and, frankly, an outrageous way to make decisions if the answer, after all of this, is, OK, we won't help Louisiana, either. That is not what we are suggesting. We are saying that whether it is hurricanes, floods, disaster assistance; whether it is livestock disaster assistance, which I put in the last farm bill, which affects very few people in Michigan but an awful lot of people in the West and the South; whether it is that or a fertilizer plant explosion caused by various issues of malfeasance in West Texas that exposed people to chemicals, and the Federal Government came in to help—wherever it is, we step up together in extraordinary circumstances when there is an emergency, a disaster beyond the control of the citizens and the community involved, and we help. This has not been partisan in the past. We have not decided by ZIP Code or whether you had a Republican Senator or a Democratic Senator representing you. We have stepped up together to support efforts, and I supported every single one of them. What is different about Flint, MI? That is the question. The only thing I know that is different is that we have actually agreed to eliminate a program to fully pay for what we are doing to help. Normally it is not paid for; it goes on the deficit. We don't see a program being eliminated to fund the floods in Louisiana or other areas, but we took the extra step. We are actually phasing out a program that affects predominantly Michigan, that I authored in the 2007 Energy bill, because of the urgency and the dire circumstances in the city of Flint. That is the only difference I see, is that it costs nothing to do this—nothing. We could do it by unanimous consent today. It costs nothing.

So then the real question is, well, why? Why is there such a problem? Why is there such a problem including something that costs nothing on this short-term appropriations bill? I don't get it. The people of Flint don't get it. The fact is, I hear from people all over the country who don't get it.

This is an opportunity today, and I am strongly urging that we reject the continuing resolution in front of us and ask the leaders to go back to the drawing board and get it right and to indicate that we see, we hear, and we care about 100,000 people in Flint, MI; about 9,000 children under the age of 6; about people who live in homes that have some lead levels higher than a toxic waste dump; about the mom who was here 2 weeks ago whose daughter was bright and engaged and going to school and now, after lead exposure, is lethargic, is not focused, and she can't eat a sandwich because her teeth are crumbling because she had zero vitamin D—zero. When she was tested, the doctors immediately put her into the hospital to give her massive doses of vitamin D for her bones. How do I tell that mom that we could help her now and it is not going to happen? I don't get it.

It is time to vote no on this procedural motion on the CR and get back to work and make sure that families who had floods in Louisiana, in West Virginia, and other places get the support they need and that we help in partnering—to help, not total, but help

with some of the costs that will put the water back on in Flint.

When you turn on the faucet today, wherever you are, think about what would happen if you didn't have confidence that what came out of that faucet wasn't going to poison you. This is the United States of America. We can do better than this. This body has supported doing better than this. It is time to get it done.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 5082 to H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Roger F. Wicker, Thom Tillis, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 5082, offered by the Senator from Kentucky, Mr. MCCONNELL, to H.R. 5325, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 45, nays 55, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—45

Alexander	Donnelly	Murkowski
Ayotte	Enzi	Nelson
Barrasso	Ernst	Portman
Blunt	Fischer	Risch
Boozman	Flake	Roberts
Burr	Gardner	Rounds
Capito	Grassley	Rubio
Cassidy	Hatch	Shelby
Coats	Hoeven	Sullivan
Cochran	Isakson	Tester
Collins	Johnson	Thune
Corker	Kirk	Tillis
Cornyn	Manchin	Toomey
Cotton	McCain	Vitter
Crapo	Moran	Wicker

NAYS—55

Baldwin	Heitkamp	Perdue
Bennet	Heller	Peters
Blumenthal	Hirono	Reed
Booker	Inhofe	Reid
Boxer	Kaine	Sanders
Brown	King	Sasse
Cantwell	Klobuchar	Schatz
Cardin	Lankford	Schumer
Carper	Leahy	Scott
Casey	Lee	Sessions
Coons	Markey	Shaheen
Cruz	McCaskill	Stabenow
Daines	McConnell	Udall
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden
Graham	Murray	
Heinrich	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Mitch McConnell, Mike Rounds, Thad Cochran, John Cornyn, Daniel Coats, Thom Tillis, Roger F. Wicker, John Barrasso, Lamar Alexander, John Hoeven, Pat Roberts, Orrin G. Hatch, Susan M. Collins, Lisa Murkowski, Steve Daines, Tom Cotton.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 5325, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. COTTON).

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—40

Alexander	Coats	Fischer
Ayotte	Cochran	Flake
Barrasso	Collins	Gardner
Blunt	Corker	Grassley
Boozman	Cornyn	Hatch
Burr	Crapo	Hoeven
Capito	Enzi	Isakson
Cassidy	Ernst	Johnson
Kirk	Roberts	Tillis
McCain	Rounds	Toomey
Moran	Rubio	Vitter
Murkowski	Shelby	Wicker
Portman	Sullivan	
Risch	Thune	

NAYS—59

Baldwin	Heitkamp	Paul
Bennet	Heller	Perdue
Blumenthal	Hirono	Peters
Booker	Inhofe	Reed
Boxer	Kaine	Reid
Brown	King	Sanders
Cantwell	Klobuchar	Sasse
Cardin	Lankford	Schatz
Carper	Leahy	Schumer
Casey	Lee	Scott
Coons	Manchin	Sessions
Cruz	Markey	Shaheen
Daines	McCaskill	Stabenow
Donnelly	McConnell	Tester
Durbin	Menendez	Udall
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murphy	Whitehouse
Graham	Murray	Wyden
Heinrich	Nelson	

NOT VOTING—1

Cotton

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

Mr. MCCONNELL. Let me just say to my colleagues that Senate Republicans are prepared to pass a clean CR-Zika bill. We hope that important flood relief will be a part of it. We will continue working on this important matter.

We are now going to an important security briefing, and I will have more to say about the matter later today.

The PRESIDING OFFICER. The Senator from South Dakota.

UNANIMOUS CONSENT REQUEST—S. 2555

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 446, S. 2555. I further ask that the Thune amendment be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, Bob Dole, whom we all knew and still know and who is a wonderful man, said: ''As we all learn around here, if you don't keep your word, it doesn't make much difference what agenda you try to advance.''

So it is very difficult for me to allow Senator THUNE's bill to advance today. I have great respect for him, and that is without any question.

I am still waiting, though, on Republicans to keep a promise they made nearly 18 months ago on the Senate floor. They came to me and said: It is so important to John Kyl, whom I also

like, from neighboring Arizona. They had somebody whom they wanted to put on a very important commission. I didn't want to do it because I thought it was fair that we had somebody to pair with him. That is what we do around here. That is what Senator MCCONNELL has done, and I respect that.

But I said: Give me your word, and we will go ahead and do this.

No problem, I got their word—Senator MCCONNELL and Senator THUNE. They said they would do it as soon as the new Congress started. That is almost 2 years ago, and this woman is in limbo. There is an extremely important vote now before the Commission dealing with top boxes on television sets, and she has not been confirmed in that job.

It is wrong.

I brokered that agreement between MCCONNELL and THUNE. I didn't want it. It wasn't my idea—it was theirs—to confirm Republican Commissioner Michael Riley, the Kyl person, to a 5-year term in the FCC.

In return, I repeat, Senators THUNE and MCCONNELL assured me they would confirm Jessica Rosenworcel—I have been working on that name for 2 years—to a new term when they were in the majority. They got in the majority just a few months after that. This was in December.

She spent many years in public service. No one questions her qualifications. The Senate confirmed her unanimously in 2012. Her credentials and integrity are unquestionable. There is no doubt that she will continue to serve the FCC well.

Yet Republicans have refused to keep their promise and hold a vote on her nomination. That is breaking someone's word. As Bob Dole said: ''As we all learn around here, if you don't keep your word, it doesn't make much difference what agenda you try to advance.''

JOHN THUNE, from the great State of South Dakota, knows that when Senators make agreements, they should be honored. The American people also expect Congress to do its job. They are not doing their job because of what we are facing every day with Republicans.

Here is something from one of the major newspapers in America, the Washington Post. I will only read part of it:

With no budget resolution or regular appropriations bills ready to go, Congress is now merely trying to extend current funding levels for a few more months. This would allow legislators to return to the campaign trail and delay the hard decisions until after Election Day.

So far they still haven't even been able to execute that second-rate plan, though, because legislators have repeatedly tried to tuck poison-pill provisions into this must-pass bill.

The result is that with a little more than a month before the election, Congress is again flirting with a shutdown. And a year into the worldwide Zika epidemic, Congress still hasn't successfully appropriated a cent toward the crisis, nor has it passed any funding to help families affected by emergencies in Louisiana or Flint, Mich.

It can't get anyone confirmed, either.

Merrick Garland, President Obama's Supreme Court pick, famously can't get a hearing, but he's hardly the only nominee being snubbed. The Republican-led Senate has confirmed just 22 federal judges this Congress, putting it on pace for the lowest number of confirmed judges . . . [in almost 70 years] according to the Alliance for Justice. For context, the Senate had confirmed more than three times as many judges by this point in the final Congresses of previous two-term presidents George W. Bush, Bill Clinton and Ronald Reagan. In all these cases, mind you, presidents had also faced Senates controlled by the opposing party.

But it is not just that.

Continuing:

This Congress, the Senate has confirmed the fewest civilian nominees in modern history. . . . As of mid-September, just 248 nominees had been confirmed. That's, again, half the average. . . .

It is a shame that we are at a point here where I have to come to the floor—I have been in Congress for 34 years—and talk about people not keeping their word. Let somebody deny what was done.

It is unfair, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to complete my remarks with respect to this subject.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THUNE. Mr. President, I am disappointed that the minority has again chosen to put partisan politics ahead of passing noncontroversial, bipartisan, pro-growth legislation.

My understanding is that their sole objection to passing the MOBILE NOW Act is the wholly unrelated nomination of FCC Commissioner Jessica Rosenworcel. I know that the distinguished minority leader is frustrated that Commissioner Rosenworcel has not yet been confirmed to another term. On the floor previously, he also said that I have done everything possible within my authority as chairman of the Commerce Committee to advance her nomination through the process, and that is correct.

We had her hearing. We voted her out of the committee. Scheduling the floor is not something that I control.

What I don't understand, however, is why Senate Democrats believe that blocking the MOBILE NOW Act and other bipartisan bills that come out of my committee will help her cause. We invited Commissioner Rosenworcel to testify at one of our hearings leading up to the bill. Ironically, many of her ideas are reflected in this legislation.

The bill also reflects the priorities and hard work of so many Commerce Committee Democrats. In particular, two of the most important additions to the bill were Senator SCHATZ's Promoting Unlicensed Spectrum Act and Senator KLOBUCHAR's ''dig once bill,'' or the Streamlining and Investing in Broadband Infrastructure Act.

If the MOBILE NOW Act is not passed by the Senate soon, their legislative efforts will have been made in vain. While I respect how important it is to Senator REID and to other Democrats that Commissioner Rosenworcel be confirmed this year, there is simply no reason for that effort to jeopardize the good-faith effort that Senators on both sides of the aisle did to create this bill. These two issues have been inexplicably linked, but they need not be.

I urge my colleagues to separate these unrelated matters and to pass the MOBILE NOW Act now without further delay.

The PRESIDING OFFICER. The minority leader.

Mr. REID. How do you feel about the American people? How do you feel about how they are being treated, with case after case hung up in the Supreme Court?

We cannot even get a hearing on Merrick Garland. Why? Because they know the appearance he will make will be a good one. After a public hearing, they will be even more embarrassed by not voting for this man.

Even though a couple of Senators didn't keep their word—and it wasn't just me and them. We have staff here who would be willing to vouch for what I just said. Even if it weren't two Senators not keeping their word, at the very least, shouldn't they be concerned about the Supreme Court, what is not going on there?

So I have no reservations whatsoever. It is unfair to come and ask for legislation to pass when we have a Supreme Court that is stymied and is working shorthanded. It is incredible that justice is not being served well in our great country.

As indicated in this article of which I read only part, Congress is dysfunctional.

As I mentioned this morning, my Republican friend, the leader, said that, well, he can't understand what is going on. There seems to be some dysfunction here.

Talk about dysfunction, during the time Lyndon Johnson was leader, we had one or perhaps two filibusters. The second was arguable. As for me, for my first 8 years, there were 644 filibusters—how is that for dysfunction—led by the Republican minority, trying to embarrass Barack Obama and bring this country to its knees. So I do not apologize to anybody for objecting to this legislation. He can bring it out every other day, and I will object to it every other minute, every other hour. It is wrong that Republicans are treating the American people the way they are.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I realize that many of my colleagues on the other side of the aisle just voted against the short funding resolution because it doesn't include critical funding for Flint. Unfortunately, I believe

this is a misguided strategy. Now, I voted against it but on the basis of something that can be corrected, having to do with the funding of the increased number of troops that we will have in Afghanistan and Iraq.

But I must be clear that the $300 million Flint package that passed this body several weeks ago will become law by the end of the year. It is a mistake to take the country to the brink of a shutdown over an issue when we already have a bipartisan agreement on the solution.

When the national press opened the eyes of America to the lead water contamination crisis affecting Flint, MI—a city of roughly 100,000 people—I told my staff it was time to get to work, to see what went wrong and what could be done. We are so close to making this a reality.

I urge my colleagues to not create a standoff on the CR when we are taking care of the people of Flint and communities around the country, which is very important. We did this in our WRDA bill.

I know that Leader MCCONNELL spoke with Speaker RYAN and Minority Leader PELOSI this morning and assured them that he is dead serious about ensuring the Flint package becomes law once we return from the break. Let me remind you that on September 15, when the Senate passed WRDA 2016 with an overwhelming 95-to-3 vote, I pledged to not let politics or any lameduck session jeopardize the emergency relief in WRDA and to get this signed into law by the end of the year.

I have been standing with my colleagues in Michigan from the very beginning in support of our fiscally responsible solutions to help not only the Flint community but also other communities facing drinking water emergencies and water infrastructure challenges and solutions that the Republican majority Senate has supported strongly.

The Senate-passed WRDA bill not only provides the critical support that Flint needs but also would help to prevent future water and wastewater infrastructure crises across the Nation. WRDA is the right vehicle. I am committed to getting this bill to the President's desk with Senator BOXER and my good friend Senator STABENOW by the end of the year.

I know that many on the other side of the aisle are skeptical of our resolve, in particular, because of the uncertainty about the WRDA bill moving through the House this week without the Senate Flint compromise attached. It is important to understand that, unlike the Senate, different committees in the House have jurisdiction over the Corps of Engineers and the Safe Drinking Water Act. On our side, on the Republican side, they are both in the committee that I chair, and Senator BOXER is the ranking minority member.

The House Transportation and Infrastructure Committee has jurisdiction over the Army Corps of Engineers. However, it is the House Energy and Commerce Committee that has jurisdiction over the Safe Drinking Water Act. The House WRDA bill only includes issues that are under the jurisdiction of the Transportation and Infrastructure Committee. That is why the House WRDA bill does not include Safe Drinking Water Act amendments, like the Flint package. Once the House sends us their T&I version of the WRDA bill tomorrow, hopefully, Senator BOXER and I will immediately attach the Senate Flint compromise as we conference with the House for a final bill. The Republican House leadership has already assured me this is the plan.

So it is time for us to stop playing politics with the CR on this issue and focus our attention on making WRDA 2016 a reality. I can assure you that Senator BOXER and I are in lockstep agreement to get this done. People doubted us on the 5-year highway bill we passed last year, and we showed this body that when we work together on issues such as this, our word is as good as a guarantee, even during difficult political gamesmanship like what is happening on the continuing resolution.

I urge my colleagues to trust in our unique relationship and our ability to get the Flint package and make sure it is on the President's desk this year.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I trust my colleague totally. My chairman—I trust him totally but as far as the House is concerned, no. Trust but verify.

My friend says we have the wrongheaded strategy on objecting to the CR. He has the right to his opinion, but we don't agree. This is the only way we can make the case because right now the House has the WRDA bill. All they have to do is allow a vote to cover Flint. Yesterday the Rules Committee said no. Yesterday, Chairman SESSIONS of the Committee on Rules in the House said it is an earmark, which it is not because it does not just affect Flint. In fact, it is a program to help all cities that have lead in the water that is poisoning the families.

So, trust? I have been around here a long time. I think Ronald Reagan was right when he said trust but verify. Show me the language. Show me the commitment.

I see my friend here from Louisiana. He wasn't in the Senate at the time I was here with his predecessor, but I will say this: Senator INHOFE and I—when there was a tragic problem in Louisiana with Hurricane Katrina, we stepped up and we put aside any issues in our own States to go where the suffering was. I fought so hard for Louisiana. I fought my heart out for them to get the money they needed after Katrina. And, actually, with the help of my colleague, we made sure that all the Gulf States got the money from BP to rebuild.

My heart is open to every person in this country—every child in this country, no matter where they are, whether in Louisiana, West Virginia, California, Oklahoma, or Michigan. We are one Nation under God, indivisible. And when we have an issue and a crisis, we need to move.

Here is where I see it a little differently than my friend. I think it is absolutely the right strategy to keep fighting to get the help to Flint in the CR. That is called leverage. That is called smart politics. That is called fairness. That is called justice. At the same time, I support my friend and colleague in trying to get an ironclad commitment from the House leaders.

It wasn't a good day yesterday for Flint. They turned down Congressman KILDEE's request to have a simple vote. Speaker RYAN said this is a local issue, and so did BILL SHUSTER. They called it a local issue. They do not even understand it if they call it a local issue because there was no elected local government in Flint, MI. There were leaders appointed by the Republican there.

My friend is so sincere, and I trust him 100 percent. I don't have to verify a thing he says because he is a man of his word. That is it. He knows how we feel about each other. We have never, ever, ever walked away from each other. But the fact that he and I may be in agreement doesn't necessarily bring along the people in the House.

My colleague says he has heard it on good authority. That is great. Show me in writing. Show me where it is going to happen. Show me the guarantees. Show me they are not going to load up WRDA poison pills that my friend and I know we can't—either side—accept poison pills. I don't see it. So right now, I think what we are doing is right.

I want to make a point. Many Republicans voted against the CR. It could be for other reasons. But even if many more Democrats had voted for the CR today, it would have gone down with the number of Republicans being so large voting against it. So we have a lot of work to do.

I would say, through the Chair, to our majority leader, MITCH MCCONNELL: You can add this thing in 2 minutes. You can talk about jurisdiction. We add all kinds of things to CRs. This would be something where we could keep in Louisiana, we could keep in everything else, and we could add in a totally paid-for bill.

None of the other emergencies are paid for, by the by. They just go on the debt, on the credit card, pretty much. But we have paid for every penny of this, thanks to my friend's leadership and thanks to my friend from Michigan, who stepped up and did away with a program in the auto industry that was very important to her because she wanted to do the right thing.

Here is the path forward. Our leader can look at the vote. It was pretty sad for his clean CR, as he calls it. It is not clean. That went down in flames. He can simply add Flint to it, and we

would pass it in a heartbeat. Or the House can take up and pass the Senate WRDA bill or send us a completely ironclad statement as to time, place, venue, and when they are going to fix the Flint issue.

I know my friend from Michigan would like to be heard, but this is not rocket science. We have a bill fully paid for that takes care of the whole country and is not an earmark. It passed here with 95 votes. Let's get it done. Disentangle it from WRDA. Disentangle it from WRDA and pass it on the CR. Disentangle it. Take care of the people. Whether they are in Louisiana, West Virginia, Maryland, Michigan, let's take care of the people. That is our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe I actually had the floor anyway, and I am glad to yield the floor, which I will do to my colleague from Michigan. But I want to make sure I am clear in the statement I made in that I don't disagree and that my colleague doesn't disagree with the statements I made.

We have a commitment to do everything we can to ensure this is in the WRDA bill. I tried to explain the difference in jurisdiction, which makes it impossible for them to do it over there within the T&I Committee. They have jurisdiction over WRDA but not these particular provisions.

I have a lot of things in the CR I am really wanting to get done. I mentioned the military end, but on the Zika funding, I have given speeches on the floor saying how important this is because I happen to have a grandniece in Florida who is pregnant right now. So I am really interested in getting this thing done, and it is going to get done. It is going to be a part of the ultimate CR.

I just wanted to say—and I listened to the statement by the ranking member of the committee that I chair, and I don't think she disagrees with anything I am saying in terms of our commitment to getting it done. I understand where she is coming from, and I will yield the floor.

Mrs. BOXER. Mr. President, through the Chair, I would just like 1 minute to respond.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I agree with my colleague. If we can get an ironclad commitment to fix the Flint issue in WRDA and not just a vague conversation that somebody had—that NANCY PELOSI had with PAUL RYAN, but I have to look at the public statements. The public statements are that a big leader in the House said this is an earmark. It is not. The Speaker over there, who is supposed to care about poor people and kids, said it is a local issue, which it is not. They voted down a chance to have a vote. It is not very encouraging.

I am always encouraged when my colleague from Oklahoma speaks because he is the most positive person I have ever met. He says we are going to get it done. And if it is up to us, it gets done. But there are other people who don't view this issue the way he and I view this issue. All I am saying is, as I wind down my days here, I have had a lot of experience in expecting that I get things done.

People have said to me: Oh my God, you are right. You are so right. You are on target. Don't worry. Well, that is all good, but show me the money. Show me the path. Show me the ironclad path for Flint, and I will step out of the way in a heartbeat, believe me.

I encourage my friend to keep working with the Republicans, and I will work with the Democrats. Let's get an ironclad way that assures the people of Michigan that, finally, they are going to have some light at the end of the tunnel.

In closing, I would say the simplest way to do it is just to add the package to the CR. It is easy. Just do it. It doesn't have a cost, it has all been thought out, and 95 of us have voted for it. Get it done. For the life of me, I don't know how the majority leader can't do this thing. Just do it. As they say in the Nike ad: Just do it.

Every religious organization in the country from the Catholics to the Jews, to the Muslims, to everybody else has said: Yes, this is a moral issue. Take care of these people. I had the list today. It is in the RECORD.

We are all supposed to be people who care about moral issues and care about our children. When my friend said he has a pregnant niece in Florida, my heart skipped a beat. It is a scary time. That is why we have to take care of the Zika issue.

At the same time, if his niece was in Flint and bathing in water that still has lead in it, he would be just as upset. I know he cares deeply. My friend cares deeply. If everybody cared as deeply as he does, we would be in good shape.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first of all, I want to thank two really great leaders on the Environment and Public Works Committee—the chairman and ranking member. I absolutely take the chairman at his word. I have since the beginning. Chairman INHOFE has been an extraordinary leader on this issue and other infrastructure issues. I believe him completely in terms of what he wants to get done, and the same goes for our ranking member, Senator BOXER. I have no doubts whatsoever.

Two weeks ago, when we passed the WRDA bill 95 to 3 in the Senate—the bill that helped the people of Flint as well as other communities that have water and lead-in-water issues—I was prepared to go and, in fact, went to House colleagues, Democratic colleagues, and said: I trust the chairman and ranking member. Let's get the bill going in the House, even if Flint is not in it. Let's get it to a conference committee and work it out because I trust them, and we will make sure it is in the final package.

Well, the bill didn't get taken up in the House due to whatever problems they had a week ago. Then we began to hear there was not support for Flint in a final bill. We heard, on the one hand, from the Speaker that the CR was not the appropriate place—that WRDA was the appropriate place to help families in Flint. But, by the way, he said: I don't support helping the families in Flint in WRDA. It was the same thing with the chairman of the committee.

I know there are multiple jurisdictions. The distinguished chairman of the committee that has jurisdiction in the House, Congressman FRED UPTON, supports the provision, and we are very grateful for his leadership and help as well. So this is easily worked out in terms of the jurisdictions because the people with the jurisdiction are not objecting to this.

We have been given every signal now, coming from the Republican majority in the House, that there is not a willingness to help. As late as yesterday, with the Committee on Rules, there was an amendment offered to put it in order to vote on it in the House, and it was rejected. We were looking for some sign that was concrete, that was real, that we can actually do this, and over and over we are getting exactly the opposite messages. So then we find ourselves in a situation where the one thing we do know is going to happen is the short-term continuing resolution, and another State, other communities—Louisiana being the principal one with flooding—are going to get help. I support that. I have supported every disaster effort that has come before the U.S. Senate on behalf of many, many, many other States and communities that are not even close to Michigan because I think that is what we should do.

So the people in Flint, MI, have been waiting and waiting and waiting every day—bottled water—every day, trying to figure out how to get more bottled water, and once again they are being told wait and maybe something will happen—maybe something will happen—but Louisiana is so important, we are going to do it now. I don't think it should matter what your ZIP Code is or whether you have Democratic or Republican Senators. I believe it is our requirement—our obligation—to help.

Then, to add insult to injury, we are the only disaster situation coming forward that is fully paid for by eliminating a program. We phase out a program I authored in 2007 that predominantly affects my State in order to pay for help for Flint and other communities—we are not just helping Flint but other communities with lead and water problems because it is so important. It is about lifesaving measures, literally, for people. It is easy to put this on the CR. It is totally paid for. We are not cutting another program to

put the $500 million in for Louisiana, but the fund for Flint and other communities is totally paid for. So it adds insult to injury to families in Flint who have waited so long.

Again, I trust the chairman completely. What I don't trust is what I am hearing from the House of Representatives. Given that fact and given the fact that we have the ability to actually help them right now through the CR, I believe we should do that.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2017—Continued

The PRESIDING OFFICER. The Democratic leader.

NOMINATION OF MERRICK GARLAND

Mr. REID. Mr. President, this Republican Senate that had such promise, according to the Republicans, has been a flop. The Senate hasn't kept its word to the Nation. When Republicans assumed the majority in the Senate, the Republican leader made grand promises to the American people. He pledged bipartisanship. He promised to bring an end to the Senate's dysfunction, which he spearheaded.

As I mentioned this morning on the floor, how many filibusters Lyndon Johnson overcame in his 6 years as a majority leader is debatable—there was one for sure and maybe two—but it is easy to figure out as far as when I was majority leader for 8 years. There were 644 Republican filibusters.

The Republican leader pledged that the Senate would do its work. For all his lofty rhetoric, the Republican leader has failed to fill his promises time and time again. There is no better example than the Senate Republicans' refusal to consider the nomination of Merrick Garland to be a member of the U.S. Supreme Court. Chief Judge Merrick Garland was nominated by President Obama 195 days ago. For 195 days, Republicans have blocked this good man from getting a hearing or a vote in spite of the fact that Merrick Garland is extremely qualified.

Some ask, why wouldn't they hold a hearing? It is obvious. Merrick Garland would show the American people what kind of a man he is, what kind of a judge he would be, and it would be very hard for the Republicans to vote against him. So they decided to double down and not even allow a hearing. Even Republicans can't dispute his qualifications. The senior Senator from Utah, who formerly chaired the Judiciary Committee, said that there was ''no question'' that Garland could be confirmed and that he would be a ''consensus nominee.'' No one questions Judge Garland's education, his qualifications, his judicial temperament, his experience, or his integrity, but Senate Republicans refuse to give this person a hearing. It is shameful.

So I ask, where is the bipartisanship? The Republicans and Democrats agree that this man is exceptionally qualified. Yet his nomination languishes day after day, week after week, now month after month.

Where is the end of the dysfunction? Where is the regular order? There is no bipartisanship. There is a lot of dysfunction. There is no end to it. Where is the regular order? It doesn't exist. No Supreme Court nominee in modern times has waited this amount of time without at least getting a hearing. This is unprecedented.

As legal analyst Jeffrey Toobin has noted, there is only dysfunction to be found in the Republican leader's actions. This is what he said: ''Such premeditated obstruction by a Senate leader, aimed at a President with nearly a full year remaining in his term, [is] without precedent.''

Where is the hard-working Senate? With Republicans acting as they are, we have established that bipartisanship is really elusive. We have established that the dysfunction hasn't ended. We have established that there is no regular order. Now we have established that we are not working hard, and that is an understatement.

The Senate isn't attending to one of its basic constitutional duties—providing its advice and consent on the President's Supreme Court nomination. Instead, this Senate has worked the fewest days of any Senate in modern history. After we have this next 10-week break, it will be the longest break in some 80 years. How about that?

Chief Judge Garland deserves a hearing; he deserves a vote. Across the street from where we are standing now, at the Upper Senate Park, at 5 o'clock, Democratic Senators will be gathering at a rally in support of Merrick Garland. The people there are of good will, only interested in our country. At that time, they are going to call on Republicans, as we will, to heed their constitutional duty and act on Garland's nomination.

Republicans have another chance to keep the promises they made to the American people. Republicans should right this historic wrong on Judge Garland. They should give him a hearing and a vote, and they should do it right now.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with what the Democratic leader said. We have waited far too long.

I would like to give some history. Eleven years ago this week, following the death of Chief Justice Rehnquist, the Senate confirmed John Roberts to the Supreme Court and as Chief Justice. He had his Judiciary Committee hearing in September and was given full and fair consideration by the Senate. He was confirmed about 2 weeks later, September 29. All of us, whether or not we supported John Roberts, felt it was important to get this done so that the Supreme Court was not missing a Justice when it began its term on the first Monday in October, as it always does. The Senate acted responsibly. That was 11 years ago. There was a Republican in the White House. I was one of those who voted for Chief Justice John Roberts. There are others who voted against him, but he was confirmed. That is what we did then with a Republican President but not today. In fact, under Republican leadership, the Senate is deliberately leaving the Supreme Court shorthanded. None of us, whether for or against Justice Roberts, felt we should delay and have the Court come into session with a four-four makeup.

I believe Chief Judge Merrick Garland deserves the same consideration that Chief Justice Roberts received 11 years ago. What is the difference? There was a Republican President then, a Democratic President now. This is playing politics with the U.S. Supreme Court, and it hurts the credibility of our whole Federal court system.

Like Chief Justice Roberts, Chief Judge Garland is eminently qualified. Like Chief Judge Roberts, he hails from the Midwest. He is a D.C. Circuit judge who has earned the respect and admiration of those who work for him. But, unlike Chief Justice Roberts, who was confirmed in about 2 months, Chief Judge Garland has been pending before the Senate for more than 6 months. I mentioned that to my colleagues. I went back and checked the history. No Supreme Court nominee in the history of our country has waited that long. There has been no hearing, no vote, no consideration at all by the Senate because the Senate refuses to do its job—the job we are required to do under the Constitution.

Maybe the Republicans feel this somehow benefits their party. It doesn't. Our independent judicial branch is fundamental to our constitutional system of government. The Senate's duty to consider judicial nominations under the Constitution is not a political game. This Republican obstruction has consequences for all Americans. Because Senate Republicans refuse to do their jobs, the Supreme Court has been repeatedly unable to uphold its essential constitutional role as a final arbiter of the law. The uncertainty in the law has been harmful to businesses, and it has been harmful to law enforcement and to families and children across our country.

I don't know if the American people realize how much this refusal of the Republican leadership to do their jobs has hurt them. This term, the Supreme Court will consider cases that will impact our voting rights—all of us—our

religious rights, our access to fair housing, even the ATM fees we pay. The Court may also decide to hear important cases on the right of transgender students to be treated equally, environmental protection and climate change, women's reproductive health, and money in politics. The Supreme Court should be at full strength and provide the American people certainty and clarity of our rights under the Constitution.

The same Republicans who expedited consideration of Chief Justice Roberts have since February used the excuse of the election year to justify their unconstitutional, prolonged obstruction. Yet there is no election-year exception in the Constitution for the President's duty to nominate Supreme Court Justices. The Constitution says the President shall nominate. The President did that. It also says that every one of us who held up our hand and took a solemn oath to uphold the Constitution—it says that we shall give advice and consent on these nominations. There is no election-year exception in the Constitution. None of us hold up our hands and say we will uphold the Constitution, so help me God, except in an election year. There is no election-year exception in the Constitution for the Supreme Court's role as the final arbiter of the law. Our history proves this case.

There have been more than a dozen vacancies in election years—in fact, most recently, Justice Kennedy. I was here. We had a Democratic-led Senate. It was President Reagan's last year in office. It was a Presidential election year, and it took a Democratic Senate just over 2 months to confirm Justice Kennedy.

President Obama's nominee, Chief Judge Garland, has been pending in the Senate with no action for 195 days; 195 days and we haven't done one solitary thing. When we had a Democratically controlled Congress and a Republican President's last year in office, we confirmed him in 65 days.

The Judiciary Committee plays an important role in the examination of Supreme Court nominees, reviewing the nominee's records and holding public hearings so that the American people can hear from that individual. Ever since the Judiciary Committee started holding public confirmation hearings of Supreme Court nominees more than a century ago, the Senate has never denied a Supreme Court nominee a hearing and a vote. The current Republican leadership has broken with this century of practice to make its own shameful history.

Even when a majority of the committee has not supported a Supreme Court nominee, the committee has still sent the nomination to the floor so that all 100 Senators can fulfill their constitutional role of providing advice and consent on Supreme Court nominees. When I became chairman of the Judiciary Committee in 2001 during the Bush administration, I and Senator HATCH—who was then the ranking member—memorialized in a letter this agreement regarding President Bush's Supreme Court nominees.

This is an important point. Senators are free to make their own decision to vote against a Supreme Court nominee, but that does not justify the complete refusal to provide any process whatsoever. I have heard the other side offer the example of some Republican Senators pledging to vote ''no'' on Justice Fortas's nomination to replace Chief Justice Warren in an election year as justification for their obstruction today. That example does little to prove their point. In 1968, there was no current vacancy on the Court, as Chief Justice Warren's resignation was conditional upon the confirmation of his successor. That meant that there was never any fear that the Supreme Court would be operating at less than full strength. Just as importantly, public hearings went forward and the full Senate was able to consider the nomination. Everett Dirksen, the Republican leader who also served as the ranking member of the Judiciary Committee at the time, did not sign on to that pledge and proceeded to work with the chair of the committee to move forward with hearings.

We worked across the aisle to ensure that the Supreme Court would be fully functioning with Chief Justice Roberts' nomination 11 years ago. Thirty years ago, the Senate voted to confirm both Justice Scalia and Chief Justice Rehnquist. More than a dozen Supreme Court justices have been confirmed in the month of September. That is not surprising given that the Supreme Court begins its terms on the first Monday in October.

By the standards the Democrats gave to Republicans, Chief Judge Garland should have been confirmed by Memorial Day. We have had more than 6 months to examine his record. It is not as though the Senate has been consumed and overworked considering other nominees; the last time we confirmed any judicial nominee was on July 6.

Republicans refuse to allow votes even on uncontroversial district court nominees who have been pending more than a year, even those supported by Republicans in their States, and our independent Federal judiciary is suffering as a result of this unprecedented obstruction, as a result of the Senate not doing its job. It is long time past for the Senate to do its job. We have to treat our coequal branch of government with respect. There is no reason the Senate should not do its job in an election year. There is much work to be done.

Senate Republicans are calling for another very long recess. The resolution introduced today by the senior Senator from Connecticut would keep the Senate here to do its job for Chief Judge Garland's nomination. It should not require a resolution to keep us accountable to the oath we all swore to uphold the Constitution. The Senate majority leader should let us get to work for all American people. We have had more recesses than anytime since I have been here. Why not take a few days and immediately consider Chief Judge Garland for the Supreme Court of the United States? Our highest Court should not be diminished further by Republican obstruction in the Senate. When the Supreme Court comes into session on the first Monday in October, the American people deserve to have nine members on the Supreme Court. The Supreme Court deserves to have nine members, and the American people deserve to have us do our job.

Mr. President, I ask unanimous consent that the letter I referred to from myself and Senator HATCH be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 29, 2001.

DEAR COLLEAGUE: We are cognizant of the important constitutional role of the Senate in connection with Supreme Court nominations. We write as Chairman and Ranking Republican Member on the Judiciary Committee to inform you that we are prepared to examine carefully and assess such presidential nominations.

The Judiciary Committee's traditional practice has been to report Supreme Court nominees to the Senate once the Committee has completed its consideration. This has been true even in cases where Supreme Court nominees were opposed by a majority of the Judiciary Committee.

We both recognize and have every intention of following the practices and precedents of the Committee and the Senate when considering Supreme Court nominees.

Sincerely,

PATRICK J. LEAHY,
Chairman.
ORRIN G. HATCH,
Ranking Republican Member.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleagues for coming to the floor this afternoon for a historic presentation.

I just spent this last weekend—an enjoyable weekend—being a babysitter. My wife and I were able to babysit our 5-year-old grand-twins. It is always a kick to hear what is on their minds and have conversations. We spend a lot of time discussing the concept of fiction and nonfiction. They were trying to figure out which things were fiction and which were nonfiction. We went back and forth through superheroes and all the rest of it, and it was a lot of fun.

I thought about that as I came to the floor today because when it comes to looking for fiction and nonfiction, the Executive Calendar of the U.S. Senate on our desk would have to fall in the category of fiction. It is not true because in this calendar, you will find the nominations sent from the committee to the floor of the Senate to be considered. At least that is what you think

you are going to find, but instead what we find are the names of 30 nominees to become Federal judges and have cleared the committees, such as the Judiciary Committee, and languish on this calendar never to be called by the Republican majority. Some have been here for a year. They cleared the committee with bipartisan votes. Many of them were nominated and approved by Republican Senators, but when they come to the floor, it comes to a full stop.

Senator MCCONNELL, the Republican leader, is not scheduling votes for Federal judges under President Obama. He argues that whether it is the Supreme Court or other Federal district courts, this is a lameduck President, and he has no obligation, being of the opposite political faith, to give this President anything when it comes to judges. That is the Republican Senate position, that is Senator MCCONNELL's position, but it is totally inconsistent with two things.

The tradition of the Senate is the first issue. When George W. Bush was in his last term in office and the Democrats were in control, we approved 68 judges in that last Congress—in his ''lameduck'' Congress. So far this Congress Senator MCCONNELL has allowed only 22 judges to come through the Senate, and 30 of them are sitting on the calendar. By the tradition of the Senate, where the Senate fills the vacancies when they need to be filled, regardless of the President's party or the year of his term—Senator MCCONNELL ignores that. We have 91 Federal judicial vacancies across the United States that need to be filled. Nearly half of them are emergencies. The caseload is overwhelming and justice is not being served in those districts, but Senator MCCONNELL says no.

The most egregious example is the vacancy on the U.S. Supreme Court. You can almost look through the windows and outside of the doors of the Chamber here and see that beautiful building, the Supreme Court, and realize that in a matter of days they will reconvene to consider the most important cases pending before the United States of America. What is different about this Supreme Court is that there are only eight Justices seated on the Court. The untimely passing of Antonin Scalia in February led to a vacancy on the Supreme Court. President Obama met his obligation under the Constitution. Article II, section 2 says the President shall nominate someone to fill the vacancy on the Supreme Court. President Obama did it. As the Constitution directs him, he sent that name to the U.S. Senate for advice and consent 195 days ago.

Senator MCCONNELL announced he would not fill that vacancy and would not even give that nominee, Merrick Garland of the D.C. Circuit, a hearing so he could be asked the basic questions about his service on the Court. In fact, Senator MCCONNELL took another step and said: I will not even meet with him. How many times has that happened in the history of the U.S. Senate? Never. Politicians are careful when they use that word—''never.'' We have never had a President submit the nominee to fill a pending vacancy on the Supreme Court who has been denied a hearing in the Senate—never.

Why? Senator MCCONNELL says: Well, President Obama is leaving soon, as if he were elected only for a 7-year tenure and isn't entitled to be President in his eighth year, but the real reason is pretty obvious. Senator MCCONNELL and the Republicans are praying that Donald Trump will be able to fill this vacancy on the Supreme Court. After watching the performance last night, can you imagine that man choosing a Justice for life on the Supreme Court? That is what they are counting on. That is why they are leaving these vacancies open, too, so that Donald Trump can fill those vacancies.

It is a sad moment in the history of this country. It is the most accurate reflection of the dysfunction of the U.S. Senate I can think of—that the Senate Republican leadership would ignore the Constitution and the traditions of the Senate, leave these poor judicial nominees languishing for up to a year on the calendar, and refuse to meet their constitutional obligation to give Merrick Garland—even though the American Bar Association deemed him as being unanimously ''well qualified''—his time to come before the Senate for an open hearing, answer questions under oath, and receive a vote on the floor of the Senate.

The Republicans in the Senate want to brag about their great record of performance this year as the party in control of the U.S. Senate, but what they cannot explain or live down is the embarrassment they brought to this institution by refusing to meet their constitutional responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this afternoon to join my colleagues who have already noted that we are now at an unbelievable, unprecedented 195 days—over 6 months—since the President nominated Judge Merrick Garland to the Supreme Court.

Do you know what else could have happened in this time period? We could have gone through the confirmation process for the last Republican-nominated Justice twice and still have 11 days leftover. We could have sailed around the world almost four times or flown to the moon and back 30 times, but Senate Republicans have refused to even hold one hearing for Judge Merrick Garland.

By allowing this absurd political game to continue, Republicans are preventing the rest of us from upholding our constitutional duty to consider the Supreme Court nominee. Senate Republicans will not say that their historic obstruction is because they are opposed to Judge Garland; they are just refusing to consider him, even though many Republicans have met with him and admitted that Judge Garland's distinguished career and work history show that he is, without a doubt, someone who deserves fair consideration by all of us here in the U.S. Senate. He deserves a hearing and a vote. I should add that by refusing to do their jobs and by saying they want to leave it to the next President, Republicans are telling the American people they would rather save the seat for their Presidential nominee to fill than give a strong nominee a fair hearing and a vote. We all know what that means.

This is far too important to the people of this country to hold off any longer. They have now seen the results of a short-handed Supreme Court with split decisions and continued uncertainty about important issues. The Court is now days away from beginning its October session. With every day that goes by and every Supreme Court decision that comes down without a full bench, the need for action is clearer and clearer. This gridlock and dysfunction that has dominated too much of our time and other work here in the Congress should be pushed aside right now. Republicans blocked the Zika emergency funding bill for 7 months, and the gridlock has once again brought us far too close to another manufacturing crisis—a government shutdown.

I hope Republicans will realize how ridiculous this partisan gridlock is. After 195 days of being one Justice short on the Supreme Court of the United States, I urge our colleagues to fulfill our constitutional responsibility, hold a hearing for Judge Merrick Garland, and give him a vote. We owe that to the people we represent, and it is simply the right thing to do.

Washington State families should have a voice. Families across America should have a voice. They have waited long enough—nearly 200 days—to have nine Justices serving on the highest Court in the land, and they deserve better.

SHOOTING IN BURLINGTON, WASHINGTON

Mr. President, while I have the floor, I want to bring another issue to my colleagues' attention, and that is the anguish of the people in a community in my home State of Washington, the city of Burlington. This is yet another community that is hurting after another senseless act of violence in a mall—a shooting that left five people dead. This is a headline that has become all too common in our country.

I urge everyone listening today to keep the victims, their families, their friends, and their coworkers in their thoughts and prayers. I implore everyone in this Chamber to come together and address the scourge of gun violence that has devastated one too many communities once again. Enough is enough.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

NOMINATION OF MERRICK GARLAND

Mr. BOOKER. Mr. President, I thank my colleague from Washington for her remarks. As for me, this is the third time this month that I have come to the Senate floor to speak about the Supreme Court nomination currently pending before the judiciary and the judicial vacancy crisis as a whole in our country.

It has been 7 months since Chief Judge Merrick Garland's nomination to the Supreme Court, and it is still pending. It has been about 19 months since Judge Julien Neals was nominated to the District Court of New Jersey, and it is still on hold.

As was the case in the last two times I have come to the floor to speak, our country is not only operating with an incomplete Supreme Court, but it is also operating with a judicial vacancy crisis across the Nation in multiple Federal courts.

The Supreme Court's term is about to begin next week, and without action to schedule a vote and confirm Judge Garland's nomination, the Supreme Court will still be operating without a ninth Justice, just as it has been for the past 7 months. I do not believe that was the intention of our Framers. I do believe that because this body is not doing anything about this nomination, it is having a material effect on another branch of government, which I believe is a subversion of the framing of our Constitution and the functioning of our government.

By failing to hold the vote on Judge Garland's nomination, we are continuing to cripple one of our coequal branches of government. It is unacceptable that we would consider taking a 7-week break from the business of the Senate before ensuring that one of our coequal branches of government is operating as it was intended by our Framers.

There is no credible reason for the refusal of a vote for Judge Garland's nomination, and this kind of wait for a Supreme Court Justice's confirmation is unprecedented in our history.

Republicans and Democrats have clearly stated over the years how well qualified Judge Garland is as a nominee. In fact, we have seen multiple people remark that he is not just well qualified, but in the grand scheme of the partisan divides in our country, he is relatively moderate in his judicial history. Unfortunately, though, with that, we are still failing to see an up-or-down vote in this body.

There is no reason this distinguished body should not confirm Chief Judge Garland so that we have a full complement of Justices on the Supreme Court when the next term convenes. We also know that across the country, as I said earlier, Federal judges are overworked and, of course, understaffed because of the vacancy crisis.

The last time I came to the floor on this issue, I noted that we faced 90 judicial vacancies in our courts across the country, 35 of which have been deemed judicial emergencies. A judicial emergency is not some subjective conclusion; it is an objective conclusion by judicial experts and judicial staff that has nothing to do with the partisan politics of our land. Yet we are seeing no action being taken.

There are 30 nominations currently pending on the Senate Executive Calendar, and all but two were voted out of committee by unanimous vote. That includes 20 district court nominees. Both Republicans and Democrats in this body gave a unanimous vote in the Judiciary Committee. The nominations pending on the Executive Calendar are from States all across the country, from east to west. These places include New Jersey, New York, California, Rhode Island, Pennsylvania, Hawaii, Utah, Massachusetts, Maryland, Oklahoma, Louisiana, Wisconsin, Indiana, North Dakota, South Carolina, and Idaho. Today, when we are perhaps days from adjourning for another long recess—7 weeks—I rise, as I said, for the third time not only to ask Republicans with great respect and reverence for all nominations going on in the Senate, but also to ask that we push this bipartisan package of well-qualified nominees that includes two people who are next on the list, Ed Stanton and Julien Neals, the two longest waiting judicial nominees from Tennessee and New Jersey, as well as nominees from New York, California, Rhode Island, and two nominees from Pennsylvania, again supported in a bipartisan fashion in the Judiciary Committee. The nominees from New Jersey and Tennessee are the two longest waiting nominees currently before the Senate, and as such, deserve to be the next two scheduled nominees up for a vote. I have rejected or stood up in opposition to any efforts to skip those two nominees.

Mr. Stanton is the nominee for the Western District of Tennessee. He is highly qualified, and his experience will suit him well as a judge in the Federal court. Mr. Stanton is a highly regarded member of the Memphis community and someone recommended to the President by my colleague Senator LAMAR ALEXANDER.

Judge Neals is the nominee for the U.S. District Court for the District of New Jersey, possessing undeniably strong qualifications. He possesses significant legal experience, a distinguished judicial career, and an unwavering commitment to justice. His skill, legal aptitude, and unique thoughtful perspective are needed on the Federal bench now more than ever. I know Julien Neals personally. I worked by his side for close to a decade when I was a mayor—7 years to be exact—and I have seen the thoughtfulness of this individual. He is one of the more impressive people I have met in my professional journey.

There is no reason why Judge Neals or Edward Stanton, the two longest waiting nominees, have had to wait so long to be confirmed. So I hopefully and simply ask that the Senate promptly vote on the next two nominees in line, making sure our judicial system is functioning at its highest capacity. This isn't a Republican or Democratic issue. It is an American issue.

I have been honored to serve people in New Jersey in the Senate for nearly 3 years. During my time in this body, I have been surprised, inspired, and challenged by colleagues on both sides of the aisle, but I have come to a point of hope and hopefulness that when it comes to real issues, such as the functioning of another branch of government, we can come together, and we have the capacity to do the right thing.

I know this body is better than a tit-for-tat process, where we measure how many nominees President Bush got versus President Obama. This was not the intention of the Constitution, not the intention of our Framers, and it is not something that has been the tradition of our country.

I know the good the Senate can do for Americans across the country. Part of our obligation is to ensure a functioning judicial system that can deliver justice for America. This Senate is failing to uphold its duty now and has plunged our Nation into a level of judicial crisis that is unacceptable. We can and we must do better.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

Today I join my colleagues in rising to remind the Republican majority of its abject failure to fulfill its constitutional duty.

I first spoke on the floor urging the majority to schedule a hearing and vote on the vacant Supreme Court seat on February 23 of this year, over 7 months ago. Just to remind everyone, that was before Judge Garland was even nominated by the President. We shouldn't forget that, even before the nominee was named, the Republican majority told the American people they were planning to ignore their responsibility to consider a Supreme Court nominee. That is the one promise they have actually kept.

Unlike their promise to ''get the Senate back to work,'' they have kept their promise not to do their jobs when it comes to the Supreme Court and so many other issues. It certainly is not because they have been too busy. In the last 200 days since the President nominated Judge Garland, instead of giving him a fair hearing and vote, the Republican Senate has taken the longest recess in 60 years; spent time fighting partisan battles over Planned Parenthood, instead of combatting Zika; neglected to act on economic issues for working families, such as college affordability; done nothing to address the influence of special interest money in politics; and failed to take action to keep guns out of the hands of terrorists. Make no mistake, the Republican

Senate has not done its job, and that failure has real consequences.

With the Nation's highest Court shorthanded and often deadlocked, it has been unable to serve its constitutional function as the final arbiter of the law. Because of Republican obstruction, the Court was unable to reach a decision on the final merits in seven cases in its last term, leaving millions of families and children, law enforcement, and businesses uncertain of the law. From immigration to consumer privacy to a case about whether lenders can discriminate against married women, the Court has been unable to produce a final verdict.

The Supreme Court handles ''the people's business'' as President Reagan put it. Every day that goes by without a ninth Justice is another day the American people's business is not getting done.

Now we are only a week away from a new Supreme Court term, during which it will hear another docket of important cases involving voting rights, racial discrimination in housing, and cases that will impact women's reproductive rights and the rights of transgender children in schools. Because Republicans will not schedule a hearing and a vote on Judge Garland to the Supreme Court, the Supreme Court will again go into these cases shorthanded.

Seven months later, I again say to my Republican colleagues, to the distinguished majority leader, and to the chairman of the Judiciary Committee: Schedule a hearing and a vote on Judge Garland. Because you refuse to do your job, the people's business is not getting done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I come to the floor to speak again about the dangerous effects of leaving the current vacancy on the Supreme Court unfilled and the real consequences that the current vacancy has caused for this country.

It has now been more than 6 months since President Obama nominated Judge Merrick Garland to fill the current vacancy on the Supreme Court, and we still haven't had a hearing, much less a vote. As a result, Judge Garland is now the longest pending Supreme Court nominee in history.

Since the Senate has not acted, the Supreme Court will still be without a full complement of Justices when it begins its October term next week. There is a lot at stake in the Supreme Court's upcoming term. The cases that the Court will hear focus on significant issues that affect Americans' everyday lives.

Among those cases are important questions involving voting rights and discrimination in housing. The Court will also take up cases on immigration and environmental protection that would impact millions of people across the country. We know they have been taking less cases, and we also know there have been a number of split decisions, including a recent one on a death penalty case.

Further delay in the confirmation of a new Justice will compromise the Court's ability to resolve these questions of law effectively. If we do not have a fully staffed Court in the next term, we risk more cases in which the Court is unable to issue binding precedent and in which access to justice is denied for too many Americans. In some decisions where there is a 4–4 split, the result is effectively the same as if the Supreme Court had never heard the case. That is certainly not what our Founding Fathers intended with the Constitution.

But more split decisions are not the only risk that we are facing here. The current vacancy on the Supreme Court also has implications for the number of cases that the Court is able to take in the first place. We saw this played out many times last spring. In March of last year, the Supreme Court granted certiorari on eight cases. This year, it only did so for two. Indeed, we have seen time and again over the Court's last term that the Supreme Court simply cannot function well without a ninth Justice—with split decisions, diminished decisions, delayed decisions, and no decisions.

With only eight Justices, the current Court could not reach a final decision on the merits in seven cases during its most recent term. In five of these cases, the Court deadlocked in split decisions with four Justices on either side. In the other two cases the Court had to remand the case back to the lower courts when it was unable to render a decision on the merits.

The lower courts rely on the Supreme Court as the final decisionmaker. There are courts all over the Nation that may have different decisions, and they are waiting for the final word from the Supreme Court. That is how our system of justice has worked. But what is most important is that in each of these cases the Court was unable to carry out its constitutional obligation.

The potential for worse during the Court's next term is real. For instance, what if some of the landmark cases that are familiar to citizens, such as Miranda v. Arizona, were a 4-to-4 decision? Or an emergency case like Bush v. Gore—what if that were 4 to 4? Or Brown v. Board of Education?

Former President Ronald Reagan recognized the importance of having a fully staffed Supreme Court in 1987. He said: ''Every day that passes with the Supreme Court below full strength impairs the people's business in that crucially important body.''

President Reagan made that statement around the same time he nominated Justice Kennedy, who was confirmed unanimously by the Senate, which was controlled by the opposite party—the Democratic Party—in the last year of a Republican Presidency.

Over the past several months, I have tried to put myself in my colleagues' shoes, and I asked myself: What if we had the opposite case? What if we had a Republican President and a Democratic-controlled Senate? What would I do? Well, I would demand a hearing. I would never let a nominee float out there for 6 months while we have less decisions, diminished decisions, and no decisions.

I don't know how I would vote on the nominee. I would like to ask the nominee questions and decide if they were qualified to serve on the Supreme Court.

Our job under the Constitution is to advise and consent. It is not to advise and consent only after a Presidential election has occurred. This has been our practice in the Senate for more than a century. For more than 100 years the Senate has had a process that worked under both Democratic and Republican Presidents and even in—yes—Presidential years. Through World War I and World War II, through the Great Depression, through the Vietnam war, through the economic downturns, we were somehow able to make it as a democracy. We were somehow able to do our job to advise and consent.

I would also add in closing my remarks about Judge Garland's widely credited ability to draft thoughtful, narrow legal opinions and build consensus among his colleagues on the bench. The President was well aware when he nominated Judge Garland that he would need to nominate someone who had that ability, and, with the kind of votes that we have seen in the Senate, someone who is a fine man. He deserves the opportunity to make his case to the Senate, and the public deserves the opportunity to see the kind of Justice he would be.

It remains my sincere hope that he will have that opportunity for a hearing to prove himself in the months to come.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to join my Democratic colleagues on the floor in opposition to this Chamber's inability to do its job and fulfill our constitutional obligation by holding a public hearing and taking a vote on President Obama's nomination of Chief Judge Merrick Garland to the U.S. Supreme Court.

As this body appears to apparently head home for the next month and a half, let me share yet another reason why it is so important that we put partisan politics aside and do our jobs. As a member of the Senate Foreign Relations Committee, I have had the opportunity to travel to many other countries. Just this past June, I spent a week in South Africa to commemorate the 50th anniversary of Robert F. Kennedy's ''Ripples of Hope'' speech in Cape Town. Robert F. Kennedy, a former Senator himself, inspired the

early, nascent anti-apartheid movement in South Africa with this uplifting and challenging speech.

Just earlier today, I had a chance to meet with a friend from South Africa with whom I connected on that trip. I had a reminder in our conversation—a reminder that what we do teaches, engages, and challenges much of the rest of the world. The United States and South Africa, although we are very different countries with different histories, are similar in important ways.

What struck me on this trip to South Africa back in June and in the months since has been some of our important similarities and our important current challenges. We share powerful foundational commitments to our original documents—to the Freedom Charter in South Africa and to our Declaration of Independence here—and to our respective constitutions. We have historically shared a strong respect for the rule of law. We share deep understanding of the importance of capable and independent judiciaries to preserving our multiparty democracy.

But, today in the United States, as in South Africa, divisiveness and dysfunction are beginning to genuinely challenge the institutions that protect our constitutional order. Here we need look no further than the matter that drives us to the floor today—the vacancy on the U.S. Supreme Court that is now approaching 200 days without any sign of promise or compromise from our Republican colleagues, without any expression of a willingness to do what has been done routinely for a century here.

On the Judiciary Committee, on which I serve, we have not had a hearing, and we have not had a vote. I have heard no significant issues or questions raised about the qualifications of Chief Judge Garland. Frankly, I don't think one could raise significant questions. This is one of the most seasoned, most experienced judges ever nominated to the U.S. Supreme Court. Yet no progress—no hope of progress—seems to be heard on our committee or here on the floor.

Even if we were to confirm Chief Judge Garland today, I think we need to realize that our inaction has already had a significant impact. All around the world, what the United States says and does sends a strong message. It matters what we say. It matters what we do. In this case, it matters deeply what we aren't doing.

This Chamber alone cannot heal a divided country with a single committee hearing. We cannot heal congressional dysfunction with just one vote, but these actions could serve as the first in a series of concrete steps to help repair the dysfunction and the division in our Senate. We should start by holding public hearings, by letting the people of the United States understand what, if any, questions or concerns there might be about this talented, capable, decent man, Judge Merrick Garland, who has been nominated to the Supreme Court, and then build on that momentum by giving timely, thorough consideration to the President's other nominees for judgeships across the country. With 89 judicial vacancies—with 89 current judicial vacancies—from district courts to courts of appeals, to the U.S. Supreme Court itself, our inaction doesn't just create uncertainty for those involved, it impairs our courts and actively harms our constitutional commitment to justice.

From Justice Marshall to Justice Warren, to Justice Scalia himself, the Supreme Court has been home to many icons of American jurisprudence, men and women whose work, writings, and reflections are known around the world, but as I suspect they might themselves have been the very first to remind us, nations don't endure because of unique or historic individuals, free nations endure because of institutions.

When it comes both to ensuring the proper functioning of our treasured American institutions and to ensuring its future independence and liberty, we are not doing our job. We are failing to fulfill our constitutional obligations and, in doing so, we are directly challenging the strength of our constitutional order.

We must not forget that everything we do here and everything we do not do here sends forth a message to the rest of the world, to those who we hope watch and imitate our democracy. This inaction is something I hope they do not imitate.

If we were to take action on Chief Judge Garland's nomination, we would have the opportunity not only to strengthen our own institutions but to return to setting a constructive and positive example for the rest of the free world. We must leave no doubt that our democratic institutions can handle all the challenges they face.

I urge all my colleagues to seriously consider the consequences of this tragic inaction, for nearly 200 days, to consider this able and qualified nominee.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I am proud to join my colleagues who have come to the floor, including the distinguished Senator from Delaware and my friend and colleague from the great State of Vermont, and with other colleagues who will follow us in saying, very simply, we should do our job and avoid the damage to our democracy that will result from our dereliction of duty if we leave town without a hearing and a vote to fill the vacancy created by the tragic death of Justice Scalia.

I know something about the Supreme Court, having clerked there for 1 year with Justice Harry Blackmun, having argued cases there as attorney general of the State of Connecticut. I walk by or ride by the U.S. Supreme Court every day as I come to work at the Capitol, and I have tremendous respect, in fact, reverence, for the U.S. Supreme Court. Its power derives from its credibility and trust. It is being above politics. It has no armies, no police force. Its decisions are enforceable and enforced simply because the American people have confidence in its credibility.

The reason for that credibility was well stated by Chief Justice John Roberts, who said: ''We don't work as Democrats or Republicans, and I think it's a very unfortunate impression the public might get from the confirmation process.''

That confirmation process is stymied and stopped, stalled now by bipartisan paralysis that reinforces the misimpression among the public that the Supreme Court may simply be another part of the political process.

The Supreme Court should be above politics. This dysfunction and dereliction of duty does damage to our democracy because it drags the Supreme Court into the muck and morass of partisan politics and deprives it of the credibility and trust that are the underpinning of its force as a democratic institution. Think of it for a moment. There are two elected branches, the President and Congress, and then an unelected one, appointed for life, totally dependent on its being above politics.

We have a constitutional duty to advise and consent, not when it is politically convenient, not when it fits into our schedules but when the President makes a nomination. We have fulfilled that duty consistently during the last 100 years, taking action on every pending nominee to fill a vacancy on the Supreme Court.

The current impasse has real, practical consequences in depriving individuals in this Nation of justice they need and deserve. It has real consequences for real people. As we saw last term and as we are about to see on Monday with the beginning of a new term, issues of law essential to a functioning democracy and basic fairness will be left unresolved because of a deadlocked Court. The resulting uncertainty causes harm across the land and across our economy, creating confusion among businesses that need to know what the rules of the road are going to be. If money is borrowed, when does it have to be repaid? If regulation is to be challenged, will it be upheld?

These kinds of decisions are, in fact, real cases before the U.S. Supreme Court. The uncertainty and confusion resulting from deadlocked Court decisions and the lack of law—because indecision means a lack of resolution of legal issues—have consequences that impede job creation and economic growth in this country. By refusing to do its job, the Senate of the United States is precluding others from doing their jobs, from creating jobs, and from growing our economy, as all of us would like to see done.

I am not arguing that any individual Senator has an obligation to vote for Merrick Garland. I believe he is preeminently qualified. I have known him

for years. I have tremendous respect for his intelligence and integrity. I believe he will convince other of my colleagues that he is extraordinarily well qualified to serve as the next Justice on the U.S. Supreme Court.

That job of convincing our colleagues is his to do. He should be given an opportunity to do it in a hearing, as he has done for many of us in his individual conversations with us. Unfortunately, our Republican colleagues have denied him even a hearing, not to mention a vote.

It adds insult to injury when this body not only stonewalls Judge Garland's nomination but departs for lengthy breaks, as we did in August and as we will now do again, without giving him consideration. This year, the Senate has worked fewer days and taken a longer recess than in the past 50 years, despite leaving our constitutional duty unfulfilled.

That is why I am proud to submit today, along with 42 of my Democratic colleagues, including Senator LEAHY of Vermont, the ranking member on the Judiciary Committee, along with my colleagues on the Judiciary Committee, a resolution that says to the Senate of the United States: Do not leave town for a recess until we have provided a hearing and a vote on the pending Supreme Court nomination. Do not leave town without doing your job. Do not leave town without fulfilling your constitutional duty to advise and consent.

That is what we should be doing.

I am not going to read the resolution, but it essentially says the President has the obligation to nominate. We have the obligation to advise and consent. We have done so in past years. We should do so now. I will quote this one sentence: ''Whereas forcing the Supreme Court to function with only 8 sitting justices has created several instances, and risks creating more instances, in which the justices are evenly divided as to the outcome of a case, preventing the Supreme Court from resolving conflicting interpretations of the law from different regions of the United States and thereby undermining the constitutional function of the Supreme Court as the final arbiter of the law.''

Paraphrasing: Be it resolved that the Senate should not adjourn, recess, or convene solely in pro forma session until we have taken action on the pending nomination through holding a hearing in the Judiciary Committee, holding a vote in the Judiciary Committee, and holding a vote in the full Senate.

Some of the threats to our democracy come from outside this country, from violent extremists or military aggressors who mean to do us harm, but the threats to our democracy can also include self-inflicted wounds—unintentional, perhaps.

I know my colleagues—and I say this with the greatest respect—believe they are justified in what they are doing. We have legitimate disagreements. We may disagree whether Merrick Garland is qualified to be on the U.S. Supreme Court. I believe, without question or reservation, he would be a great Justice on the U.S. Supreme Court, and he will be, but let's at least give him a vote. Let's do our job and avoid the self-inflicted damage to our democracy that will result from our leaving without upholding our constitutional duty.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to join Senator BLUMENTHAL on the floor this afternoon as a cosponsor of his resolution. I share his concerns that Merrick Garland has not yet gotten a hearing nor a vote in this body on his nomination to be on the Supreme Court of the United States.

Since the beginning of our Nation, the U.S. Senate has respected an important, bipartisan tradition of giving timely and fair consideration to Supreme Court nominees, even during the years when there is a Presidential election.

Sadly, this year the majority party has broken that tradition by refusing even to hold a hearing on the nomination of Judge Merrick Garland to serve as a Justice. The current vacancy was created more than 200 days ago. President Obama nominated Judge Garland more than 7 months ago. I am joining my colleagues on the floor this afternoon to urge the majority party and the leadership of this body to give Judge Garland a hearing, to give him a vote. It is time to extend to Judge Garland the same fair treatment the Senate has given to every other person previously nominated to the Supreme Court by an elected President during a Presidential election year.

The majority party's refusal, to date, to consider the nomination of Judge Garland is a shocking break with Senate tradition. Article II, section 2 of the Constitution is unambiguous about the respective duties and responsibilities of the President and the Senate when there is a Supreme Court vacancy. I do not believe the Founders intended that these rules should be optional or should be something that could be disregarded. Article II states that the President ''shall hold this office during the term of four years''—not 3 years, not 3 years and 1 month, but 4 full years.

Time and again, Senators have done their constitutional duty by considering and confirming Supreme Court Justices in the final year of a Presidency. Most recently, Justice Anthony Kennedy was confirmed in the last year of President Reagan's final term in February of 1988. Indeed, it was a Senate with a Democratic majority that confirmed President Reagan's nominee, Justice Kennedy, and they did it unanimously—97 to 0.

The Senate Committee on the Judiciary began holding public confirmation hearings on Supreme Court nominees back in 1916. In the 100 years since then, never before has the committee denied a hearing to a nominee to be a Justice of the Supreme Court. So never before in our history have we seen this happen, that the majority party in the Senate has refused to conduct a hearing.

Since 1975, the average length of time from nomination to a confirmation vote for the Supreme Court has been 67 days because our predecessors in the Senate recognized just how important it is for the Supreme Court to be fully functioning. This bipartisan tradition regarding the Supreme Court has been put at risk by the majority's actions this year, but the Senate will have another opportunity to act on the nomination of Judge Garland when we reconvene after election day during the lameduck session. Once we get through this election, I hope that the majority party will honor the Senate's tradition, that it will do the right thing, that it will give Judge Garland the hearing and the floor vote he deserves.

We all know that, as Senators, we have sworn to support and defend the Constitution. Our oath doesn't say: Uphold the Constitution most of the time or only when it is not a Presidential election year. The American people expect us, as Senators, to be faithful to our oath of office, and they also expect us to do our jobs regardless of whether it is an election year. So let's respect that oath of office. Let's do the job we were sent here to do by the American people. Let's follow the Constitution.

As former Justice Sandra Day O'Connor—a Justice nominated by a Republican President—said just days after the current vacancy occurred back in February, ''I think we need somebody [on the Supreme Court] now to do the job, and let's get on with it.'' Well, let's get on with it. It is time for us to do our jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, on other judicial business, today the U.S. Court of Appeals for the District of Columbia Circuit heard oral argument in West Virginia v. U.S. Environmental Protection Agency, which is the case that will determine the fate of the EPA's Clean Power Plan. As that court considers our national plan to reduce carbon pollution from powerplants, which is our largest source of carbon emissions, I rise now for the 148th time to urge us all to wake up to the threats of climate change.

In the runup to today's argument, Leader REID, Senator BOXER, Senator MARKEY, and I released a report entitled ''The Brief No One Filed'' highlighting who is behind the legal challenge to the President's Clean Power Plan. Our report, which is structured as an amicus brief, although not filed with the court, shows how State officials, trade associations, front groups,

and industry-funded scientists in the case are connected to the fossil fuel industry. In short, the court of appeals has been barraged with briefs by amici curiae and parties who are funded by oil, gas, and coal interests. I hope the court considers the appalling conflict of interest these briefs present when it considers this case.

Let's begin with why there is such a big effort by the fossil fuel industry to launch its proxies in this case. A working paper by the International Monetary Fund puts the effective subsidy of the fossil fuel industry in this country at nearly $700 billion per year. For the record, that is billion with a ''b.'' That includes the climate harm they get away with for free.

To protect this massive subsidy—perhaps the biggest subsidy in the history of the world—the fossil fuel polluters have concocted a complex web of climate change denial. The web includes deceptively named nonprofits and fake think tanks—to use Jane Mayer's apt phrase, ''think tanks as disguised political weapons''—whose purpose is to propagate phony science, manipulate public opinion, and create an echo chamber of climate science denialism. The polluters also wield their influence in our election campaigns, with especially devilish effect since the dreadful Citizens United decision of 2010. A lot of this fossil fuel apparatus has turned up in the DC Circuit.

If we examine the Members of Congress filing amicus briefs against the Clean Power Plan, we find massive funding to them from the fossil fuel industry. The Center for American Progress Action Fund and the Center for Responsive Politics report that since 1989, Member amici signing these briefs have received over $40 million in oil, gas, and coal campaign contributions. Thirty-four Senators opposing the Clean Power Plan received over $16 million in direct contributions, and 171 Representatives opposing the Clean Power Plan received nearly $24 million. And that is just direct spending to candidate campaigns. On top of that come fossil fuel-related political action committee contributions, over $42 million more to Member amici since 1989—nearly $12 million to the 34 Senators and nearly $31 million to the 171 Representatives.

In total, the fossil fuel industry's disclosed political spending to Members on these briefs amounts to nearly $83 million, with approximately $55 million split among 34 Senators and nearly $28 million split among 171 Representatives. And, of course, Citizens United opened the door to unlimited spending that is not disclosed as well. So we actually don't know the full amount or the full effect of fossil fuel political spending above and beyond that disclosed $83 million.

The CAP Action Fund has labeled 135 of the 205 Member amici as ''climate deniers'' based on their past statements and their voting records. Climate deniers reject the overwhelming consensus of peer-reviewed science about the causes and effects of carbon in our atmosphere and oceans, often, interestingly, contradicting the research of scientists and academic institutions in their home States, even as to the effects of climate change manifesting in their home States. In this path, climate deniers are not following their constituents. Seven in ten Americans in a nationwide survey released this month favor the Clean Power Plan. More than 80 percent acknowledge the health benefits of the plan.

Of course, the big polluters don't spend just to influence legislators at the Federal level, they also spend big on State officials, and they prop up trade associations, think tanks, and front groups willing to push their anti-science agenda. Many of these State politicians, trade associations, and front groups sure enough showed up in the Clean Power Plan litigation.

From the 27 States currently challenging the Clean Power Plan in court, the CAP Action Fund has identified 24 climate-denying attorneys general and Governors based on their own past statements. These State officials have received over $19 million in contributions from the fossil fuel industry since 2000. One small example of this: Documents obtained by the Center for Media and Democracy show that Murray Energy, a coal company, donated $250,000 to the Republican Attorneys General Association in 2015 and received a closed-door meeting with State prosecutors to discuss the Clean Power Plan. According to research director Nick Surgey:

> It's no coincidence that GOP attorneys general have mounted an aggressive fight alongside the fossil fuel industry to block the Clean Power Plan. That appears to be exactly what the industry paid for.

Other energy companies and trade groups that gave money last year to the Republican Attorneys General Association include Koch Industries, ExxonMobil, Southern Company, and Cloud Peak Energy.

Then there are the industry trade groups, such as the American Coalition for Clean Coal Electricity and the National Association of Manufacturers also petitioning against the EPA. To pick just one, the National Association of Manufacturers has been described as a ''trade association and corporate front group that has a long history of hiring lobbyists to promote anti-environmental, pro-industry legislation.''

Other front groups, such as the Energy and Environment Legal Institute, have also filed briefs. E&E Legal advances what it calls ''free-market environmentalism'' using strategic litigation. It has made it its hallmark to harass climate scientists who work at public institutions and are vulnerable to State and Federal FOIA requests. E&E Legal received significant funding from the fossil fuel industry to engage in this harassment.

Documents made public in the bankruptcy proceedings of three separate coal companies—Arch Coal, Peabody Coal, and Alpha Natural Resources—reveal payments to E&E Legal or to its senior fellow, Chris Horner, a gentleman who has written not one but two books on why global warming is a hoax. E&E Legal is also an associate member of the State Policy Network, which the Center for Media and Democracy's SourceWatch describes as an ''$83 million right-wing empire'' that in turn receives money from a Koch family foundation and from the identity-scrubbing Donors Trust and Donors Capital, organizations set up to launder the identities of big donors. Such is the web of denial.

Madam President, I could go on. Our report contains substantial detail on the network connecting the opponents of the Clean Power Plan to the fossil fuel companies behind their effort. ExxonMobil's CEO may pretend concern about climate change and mouth support for a carbon fee, but on his political gun decks, all their cannons are aimed to protect the freeloading, polluting status quo. And the Koch brothers don't even pretend; they will send us off a climate cliff to enforce their extremist ideology and to maintain their power to socialize their costs. These Koch brothers are fine capitalist free-marketeers when it comes to extracting private profits, but when it comes to imposing public costs, they are more socialist than Trotsky. The fossil fuel powers whistle, and the hounds all come running to bay at the court. Before the court of appeals takes their arguments seriously, it should consider the industry's financial relationship with so many of the Clean Power Plan opponents, it should consider their sordid record of deceiving Americans about climate science for years, and it should consider the massive, massive conflict of interest of the industry lurking in the shadows behind their front groups.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

REMEMBERING GEORGE ''FLIP'' MCCONNAUGHEY

Mr. ENZI. Madam President, last week I lost my chief of staff whom I have worked with in various roles for over 40 years. A member of my staff, Ron Hindle, wrote a remembrance on behalf of the staff that begins with this:

> September 21st was a day that my fellow Enzi staffers and I will never forget. It was on that day we learned that George McConnaughey, or Flip, as we all knew him, had lost a valiant battle he had waged against cancer for the past year. His loss has made these past few days a time of reflection and remembrance for us all about Flip and his life.

Madam President, I ask unanimous consent that the entire statement be printed in the RECORD following my comments.

Yesterday we had a celebration in Casper, WY. It was well attended. It turned out to be a kind of reunion of people who had been touched by his life

and his actions and particularly those who had worked with him. I am sorry I can't share the video we all got to see of him growing up and his interactions with family and others, particularly since family meant so much to him. Since we can't see that video, I will share some of my remembrances, some of my memories.

In the end, there is only faith, family, and friends. Flip was one of the richest men I know in all three categories.

Flip had faith. Senate Chaplain Black lists Flip as his hero because of Flip's faith, in spite of the fight that went on inside him. Chaplain Black drove out to Flip and Sheila's home when they were moving back to Wyoming to do an anointing. I think that helped Flip make the long drive to Wyoming.

Flip quietly shared his faith with others. Flip participated in the Chaplain's weekly Bible study. Flip attended a men's prayer breakfast on Saturdays. Flip attended church faithfully. Flip had strength through his faith.

Flip knew the importance of family. His closest friend, of course, was his wife Shelia. He knew how lucky he was that she said yes when he proposed. He said it was the best thing that ever happened to him. He also said his parents liked her better than him.

Flip knew about cancer since he was the caregiver through Shelia's bouts of chemotherapy. Then, she was the caregiver and researcher through his operations, tests, and treatments. Her research saved his life more than once. Her love kept him going.

Flip knew family as a son, as a brother, as a husband, as a father, and especially as a grandfather. He filled all those roles well, and he was an example to others. My wife Diana and I feel like we are part of his family and his family is part of our family. Flip has been a caring brother to me, and Flip has also always treated staff as family.

Now, I didn't know Flip when he was the center for the Glenrock Herders football team, and I wasn't there when his dad lost the race for mayor by one vote and years later found out that his own wife didn't vote for him. I didn't know Flip when his dad found out he had skipped school for a few days, and his dad was on the school board. He loved his parents, but he revered his mother and he feared his father.

I didn't know him when he graduated from the University of Wyoming, or when he married Shelia, or when he got the job as Casper's assistant city manager. I didn't get to know him until I was mayor of Gillette. As an accountant, I ran on a balanced budget plan and attended council meetings. Then I found out—and you can imagine the shock I had when I learned that as mayor you had to learn about sewer and sewer treatment, garbage, police, fire, parks, not to mention water, which in Gillette smelled and was color-coded and in short supply, or that the town owned its own dilapidated electrical system.

Now, it is hard to entice somebody with knowledge of those issues to come to a boomtown, but I was able to persuade Flip to pull up roots and become Wyoming's first city administrator. It wasn't until he had bought a house and moved Shelia to Gillette that he found out the ordinance he was to work under was only through the first of three readings and that the mayor had to break the tie with a vote to get it that far.

Flip and I have gotten a lot of things done working together over 40 years, starting with that job in Gillette. Flip has never worked for me, he has always worked with me. As a team, we used his city skills. I was just a salesman.

I remember when his son Jeff was born and then his daughter Sarah. I remember their excitement for each of these gifts of Heaven. I also remember when our two sons discovered Star Wars and each wanted a Millennium Falcon transporter. We were able to find models, and Flip and I spent our lunch hours for 2 weeks helping each other with the difficult instructions to meet the Christmas deadline.

As a team in Gillette, we also negotiated industrial siting agreements with 12 coal mines. We insisted that the companies provide a town that their employees would want to live in and to work from. Some of those companies were hard to convince. In their first trip to city hall, they would bring a small plan. I would look at it, suggest that they weren't serious, and then throw their plan in the garbage as I left the room. Flip would be the good guy and stay behind to put them on the right track. I am sure those old-line company execs wondered about negotiating with two kids just 30 and 27 years old.

Earlier I mentioned the color-coded smelly water that was in short supply. Thanks in large part to Flip, the town got a water system for 30,000 people, with only 10,000 people to pay for it. Together we were able to convince Standard & Poor's and Moody's that we had a sound plan for the system. What made our job more difficult at the time is that we were taking this on while New York City was facing bankruptcy.

Flip had to put back together a town, too, that was ravaged by a man on a stolen D9 Cat. The man drove over cars. He particularly didn't like sports cars, and he would go over them and back again. He pushed over power lines. He ripped up sprinkler systems and gas lines. He drove through a bank drive-up and through a schoolyard, and he wound up in an apartment basement after the D9 Cat pushed the building off its foundation. The Governor was in China at the time and sent the article about the incident in Chinese. My college roommate was in Saudi Arabia at the time and sent an article about the D9 Cat in Arabic—those were both a little hard to read.

Madam President, I also mentioned garbage. That is always a huge problem in towns and cities. In Gillette we had a landfill that was about full, and we needed another site. We made our annual visit to the county commissioners to request $25,000 from the county people for the use of the landfill. The chairman said: Why, with that amount of money, we could run the whole thing. Flip said: We would be willing to pay you $25,000. They agreed. Flip had the paperwork to them that afternoon and had it signed. It saved the city millions. After that, everywhere Flip went, other towns would ask: Now, how were you able to get the county to take that landfill over? I can tell you, it hasn't happened since.

Even recently, reflecting on the lack of money we saved and the problems we worked to solve, he said, only partly joking: We can finally tell about all the things that happened since the statutes of limitation have run out. I think Gillette was the test case in court for every new way the State suggested that towns could operate.

After our time together in Gillette, Flip got a job as city manager in Laramie—an actual city manager. You know he did his usual excellent job because his 15 years of serving there set a new record for longevity. He was a leader in other ways, including by serving on the board of the Wyoming Association of Municipalities until he came to Washington. He attended conferences for, spoke to, and was a part of the International City Management Association for the rest of his life. In Washington, his municipal reputation followed him. Any State with a city or town problem referred the administrators to Flip, and he usually could work with them to find a solution. He also counseled city managers, often resolving their situation—although sometimes also helping to find them a more suitable occupation.

Let me tell you how he came to be in Washington. When I was elected Senator, I had over 500 applications to be my chief of staff. Flip had not applied. He was the only one I could picture working with in that role—organized, focused, a superb manager; he knew how I liked to operate, could find good people, was able to successfully juggle multiple crises. So my son Brad and I drove to Laramie. I caught him at the office after everyone else had left, which was normal for Flip.

I said: Flip, I need you to come to Washington and be my chief of staff. He said: I never went to Washington. I don't like Washington. I don't want to go to Washington. I won't go to Washington. So we visited about our families. Then, as Brad and I left to drive home, Brad said: I think you got him. In disbelief I asked: What part of ''absolutely no'' do you think was yes? But Brad turned out to be right. I got a call the next day from Flip, who said: If that job is still open and I can get a few answers, Shelia and I talked it over, and we might be interested. Well, I got the answers, and he and Shelia came to Washington, and he and I were a team again for the next 20 years.

Flip knew the importance of working with everyone and co-founded the bipartisan chiefs of staff organization here in the Senate. He organized and managed a Senate team that helped pass a record number of bills.

Flip was also the best planning meeting facilitator in the country. He led our staff in an annual planning session to focus everyone on what they would be expected to get done the next year, and then he pushed to get those things done. He insisted that we never call it a planning retreat. He would emphatically slap his hand on the desk and say, like General Patton: We never retreat.

Flip was also competitive. I remember a contest between him and my first legislative director, Katherine McGuire, to see who could take the most spice in their Mongolian barbecue—without beer.

Sometimes Flip traveled with Diana and me on the weekends and the Wyoming work periods. Now, you know, in Wyoming that can include bad weather. One time Flip was driving us in a blizzard that hit us between towns, and it was one of those wet, heavy storms—the kind that clogs up your windshield and you have to stop your car every few miles and clean the wipers off and clean the windows off. We were wondering if we would ever get to Kemmerer. He stopped once, then quickly got back in the car, laughing vigorously. It was very un-Flip. I got out to see what was so funny. We had almost run over the sign that said: ''Welcome to Kemmerer.'' What a relief.

Flip was always quick to take the blame for any setbacks. That infuriated me, since I usually knew who really set us back. But he always got to the source, and like a good father, he turned the employee error into a teaching moment. Flip was a people person. He was a brother to me, and through the years he provided me with teachable moments too. I can still hear him say: ''Mike, that is something you really need to do.'' Of course, if it was a really tough assignment to talk me into, he knew to enlist my wife Diana.

Everyone learned to listen closely to Flip's commonsense instruction. He always downplayed his role. The most prideful thing I ever heard him say was ''Not bad for a butcher's son from Glenrock.''

I mentioned faith, family, and friends. Let me conclude with a few notes from friends, as I ask you, the staff, his friends, to jot down any and all memories that you can think of about Flip and share them with Sheila and the rest of his family. I assure you, that is the best way to fill the hole of the hurt we all feel.

From Leader MCCONNELL's chief of staff: ''He had a great knack for knowing when to encourage, when to kid and when to make you laugh through the stresses we all face.''

From a new leader of the chiefs of staff:

Our beloved friend, colleague and fellow chief, Flip has passed after a long and courageous battle with cancer. We appreciated Flip's self-deprecating humor, straight talk and professionalism. We were witness to tremendous character, faith and courage as he walked through the blow of cancer. He was a friend and mentor when I was a young chief of staff. I was privileged to be part of a weekly prayer group with him.

From Steve Northrup, who was the health policy director of the HELP Committee:

What Flip went through these last several months would have broken the spirit of a lesser man. We can take solace knowing he is with God now, with no more pain, only peace. He was a friend and mentor and an inspiration as a public servant. He was a ''scary man'' when he needed to be, but he was always there when I needed support, advice, or [to give you] a kick in the pants.

So you can see that Flip had friends everywhere he went and even ones whom he didn't know because he served and he listened. Many people have mentioned that he actually heard what they said.

Flip, we know you have been welcomed into your Heavenly home and the Lord has told you: Well done, my good and faithful servant.

Flip, I thank you for calling me in your last hours to say goodbye. We miss you, Flip.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Staff of Senator Enzi]

REMEMBERING GEORGE ''FLIP'' MCCONNAUGHEY

September 21st was a day that my fellow Enzi staffers and I will never forget. It was on that day we learned that George McConnaughey, or Flip, as we all knew him, had lost a valiant battle he had waged against cancer for the past year. His loss has made these past few days a time of reflection and remembrance for us all about Flip and his life.

If we could turn back the hands of time and take a trip to Casper, Wyoming on September 10, 1947, we would arrive just in time to witness Flip's birth and see the pride on the faces of his parents, George and Phyllis.

Although I never had a chance to meet or get to know his parents, his Dad was a part of our everyday life. Over the years, George had collected quite a collection of sayings and colorful phrases and Flip had acquired them and kept them close to his heart. Whenever a time came that brought one of those reflections to mind he would share them with us. ''My Dad used to say,'' became a phrase we would not only hear quite often, but look forward to, as well.

Now that Flip has been taken from us all too soon, it means even more to me and to all our staff that our boss has shared so much with us about his life and their history together. It really is a remarkable story.

When Flip was still in college he met the person who was to completely change his life and get him pointed in the right direction from that day to the end of his life. Her name was Shelia and I don't think we have ever met anyone quite like her. Flip took a great deal of pride in her and her willingness to go along with him on a number of adventures.

That was important because, after graduation, Flip found his calling when he took on the responsibilities of Administrative Assistant and Assistant City Manager in Casper. The job of a City Manager isn't easy. It's his responsibility to make sure the resources of the town are used wisely in the present to take care of current needs, and a reserve is put aside to take care of future demands.

While Flip was taking those first steps as a local official, Mike Enzi and his wife Diana were busy running NZ Shoes. A set of interesting circumstances would soon bring them together. It all began with Mike's decision to run for Mayor and his subsequent election.

Mike knew that winning the election would turn out to be the easy part of the job. He now had an agenda of challenge and change before him and he needed someone with the experience and the knowledge that could help him make Gillette a better place to live. That someone was Flip McConnaughey.

As the story goes, when Flip was offered the job, he was less than enthusiastic. He had achieved a reputation for his skills and knowledge already and he had a good future in Casper. All he had to do was to keep doing what he was already doing.

It was either Mike's way with words or Shelia McConnaughey's willingness to take on an adventure, or a combination of both, but soon Flip and Shelia were heading to Gillette to take on the job of bringing that town from a small town to a city of 30,000 plus.

In many ways, Gillette was fortunate. They had the jobs and they had the people. What they needed to do was to ensure they had the infrastructure in place so that people would have good homes in which they could raise their families. A survey showed them that they needed a lot of things—roads, sidewalks, schools and so much more. They couldn't get any of that done, however, without a short term plan and long term goals.

Flip was now to be the first City Administrator in Wyoming. He had a vision for what could be done and how to accomplish it that proved to be invaluable. The boom he helped guide the city through lasted seven years. Thanks to Flip, not only were they able to get those first projects done, they set off on a more long term plan to provide city services of every kind, especially water, and oh, yes—garbage collection—to 30,000 people while upgrading the whole city-owned electrical system.

Somehow it was all done. Then, when Mike headed to the State Legislature to continue to serve the people of the community of Gillette, Flip went to Laramie where he became the longest serving City Manager.

While Mike was serving in the State Legislature, Al Simpson announced his retirement from the Senate. After some thought, Mike decided to take on what some thought would be a very difficult campaign with no promise of success.

Once again, he took on the challenge with his family. Once again, somehow he got the job done.

He probably knew—once again—that winning the election would be the easy part. What he needed now was someone who could once again help him put together a team that would face a very different challenge—running a Senate office.

That was the perfect job for Flip. At least Wyoming's newest Senator thought so. It turned out that Mike would be number 100 on a roster of 100. The beginning of his service in the Senate wouldn't be easy, but if he could convince Flip to work with him as his Chief of Staff it still might work.

Flip was less than enthusiastic. Actually, I'm told that Flip said something to Senator Enzi like—absolutely not! He was flattered to be asked, but he and Shelia had established a routine in their lives and they were enjoying life in Laramie. I think Flip would have considered it but he didn't want to completely disrupt their lives in Wyoming.

He knew Shelia loved Wyoming and probably wouldn't want to leave.

I will always believe that at this point Flip must have sat down at the kitchen table for a cup of coffee and some serious conversation with Shelia. I also think Shelia expressed her willingness to do whatever she could to make the whole thing work.

Soon, Flip was in Washington spending part of his time setting up our Senate office and the other part looking for a new home for the McConnaughey's—Flip and Shelia.

It seems like yesterday when they arrived in Washington, but it was years ago—just about 20 years in fact. That's when I and our Washington staff met Flip. For each of us there was a moment as we got to know Flip in which we understood why Mike knew there was no more valuable part of his Senate team than Flip.

Flip had an amazing ability to understand people and to help them grow professionally and personally. He was a mentor in every sense of the word. All of us feel very fortunate to have had the chance to know him and to work with him.

Over the years we would often continue to hear stories about Flip's father and a saying or two he or his Dad had collected would shortly make their appearance. One of his favorites was ''if you like what you do, you never have to work a day in your life.''

That is a good description of Flip and the way he lived his life. Flip accepted every moment with the same determination and focus and none of us ever heard him complain—about work, life and just about everything else that came his way.

One of his great contributions to the office was his commitment to annual planning meetings. Each year he would lead us—Washington and Wyoming staffs—on a nearby adventure where we would settle in to a local hotel or meeting place—where we would come up with a plan for the coming year that would build on the previous year's successes.

Our first session produced our Mission Statement. Those words would stay with us from that day on as we proudly displayed its message on the walls of our offices. Here is the text as we worked on it together—

STATEMENT OF PRINCIPLE

We have been given a sacred trust to work for our families, grandparents and grandchildren. We will respect the wisdom of those before and the future of those to follow. We will discharge this trust through our legislative policy, our constituent services and the way we treat each other, guided by these three principles:

Doing What Is Right.

Doing Our Best.

Treating Others as They Wish to be Treated.

STATEMENT OF PURPOSE

In all that we do our purpose will be to allow the family to be strengthened by keeping more of what they earn, assuring jobs and their future with sound financial policies; restoring common sense to law and regulation; and, to promote decision-making at the level closest to the people—our communities, counties, school districts and most importantly our homes.

I know we missed a year here and there, but for the most part we found time to get away for a strategy session every year.

One thing I will always remember is how much he hated to hear us say we needed to ''communicate'' better. No, he would say, that is a what—tell me how you're going to do it and more importantly tell me the standards we'll use to grade our success and see if we're making progress.

Then came that awful day. I can't even put into words how we felt on that day when we learned that Flip had received a diagnosis of cancer. We all thought it was unfair, but Flip was too focused on continuing to live his life day by day with all the strength, determination and enthusiasm he could muster.

We went on one of those planning meetings earlier this year. It was to be our last with Flip in charge. We were surprised we went on the annual adventure, given Flip's health issues, but Flip would hear nothing of a change in schedule. Having that part of our routine still there for us meant a lot to us, but it meant a lot to Flip, too. It energized him and gave him a sense of routine that helped to bring him a moment of calm in what had been a very difficult and complex time in his life.

Over the past months, day by day we watched as Flip battled cancer with the strength and determination of a warrior. Now we can see much more clearly what that battle was like, but once again, he never complained or felt he was being treated unfairly by life—or by God. He knew his future was in God's hands—but his present—the day to day of his life—was his to live—each day—as it was given to him.

Now he has gone home to be with his Lord and Savior, and I'm sure heaven is glad to have him. As the old adage reminds us, God must have needed someone with his skills and abilities to take him from us—well before any of us were ready to say goodbye. Moving on, we will always remember Flip for the way he taught us how to do our jobs—better—how to get along with friends, family and fellow staffers—better—and how to live our lives fully focused on what we can do today to make our tomorrows better and brighter.

In the years to come, that will be Flip's legacy. There will be so many things that will bring him to mind. There is that chicken dish at the carryout he always enjoyed. The park where he would stroll around to give some problem or issue some quiet reflection. His love of his family and especially his grandchildren.

I know I speak for all our staff when I offer our heartfelt sympathy to Shelia and to all who knew and loved that remarkable guy. He was a good friend, a helpful and supportive coworker and a loving husband, father and grandfather. Flip had one dream his whole life—making the world a better place—and in more ways than we will ever know—he succeeded.

Well, maybe he had one more dream. There wasn't anything in his life he enjoyed more than going on an adventure with his beloved Shelia. Together they may have grown older, but they never grew up. They loved baseball games, shopping trips, exploring new restaurants and eateries and so much more. In my heart I would like to believe that Flip is sitting in Nationals Park—in the good seats—and waiting patiently for Shelia to join him.

God bless you, Flip. We couldn't be more proud of all you accomplished in your life and all you made possible for us to accomplish in our own lives. We will never forget you.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Ms. WARREN. Mr. President, the Republicans are threatening to shut down the government again. In less than 100 hours, the U.S. Government will run out of money. Why? What is so important that Republicans are willing to destroy thousands of jobs and cost our economy billions of dollars the way they did in 2013? The answer is money. Not tax money. Not government spending. No. This is all about secret money for political campaigns. Republicans who control Congress are refusing to fund the government unless everyone agrees to let giant, publicly traded companies that spend millions of dollars trying to influence our elections keep all that money hidden.

In just 6 years, the world has turned upside down. Since 2010 when the Supreme Court said in Citizens United that American corporations are ''people,'' those corporations have been allowed to spend as much corporate money as they want to get their friends elected. And, boy, have they spent money—more than half a billion dollars from 2010 to 2015. Today a powerful group of millionaires and billionaires runs around tossing out checks for millions of dollars to influence who wins and who loses elections. Anyone whose eyes haven't been glued shut can see that these waves of money are drowning out ordinary citizens, corrupting our politics, and corrupting our government.

We need to reverse Citizens United and take back our government. We need to reaffirm the basic principle that corporations are not people. But that is going to be a long haul. The first thing we can do—the least we can do, the thing we can do right now—is make sure publicly traded corporations at least tell us when they spend money on political campaigns.

Let's be brutally frank about this. Despite the impression that they usually give on television and in congressional hearings, public companies do not belong to their executives. They are not piggybanks for rich CEOs who want to advance their own personal political ideologies. By law, these companies can spend money only in ways that will benefit their shareholders. So when a public corporation decides to spend $1 million on politics, one of two things is true: Either the corporation is trying to buy a politician or some government favor or it isn't. If it is, then that is corruption, plain and simple, and if it isn't, that is a waste of shareholder money, and it is illegal. Either way, shareholders and the public have a right to know.

The next time you buy cookies or shop on a Web site or use a credit card, you may be contributing to the profits of a corporation that is funneling millions of dollars to political candidates you detest. You may be helping some corporation buy a Senator who will help roll back environmental regulations or privatize Social Security or block a woman's access to birth control. That may be OK with you, but if

it isn't, you might want to know about it and buy different cookies. The Republicans don't want you to know. They are saying they will shut down this government before they will let the SEC make corporations tell about the secret money they are pushing into political campaigns.

The American people want to know if giant corporations are buying politicians, and the SEC can make those corporations tell. More than 1 million people and organizations have written to the SEC, asking it to issue such a rule. This massive show of support has spooked Republicans. After all, there is an election in 6 weeks. At this very moment, billions of dollars in secret money are flowing into our political system—much of it to prop up Donald Trump and his Republican friends in Congress. Just turn on your TV and you will see it.

Senator MITCH MCCONNELL and the rest of the Senate Republicans have billions of reasons for keeping this funding secret and billions of reasons to defend this rotten system. They are willing to shut down the government to do it.

If Republicans think they can quietly hold the government hostage to protect the anonymous corporate donors who want to buy off politicians, if they think nobody else will notice, they should think again. If the Republicans really think the American people sent us here to protect political corruption, then let's get it right out here in the open and let the American people see who is standing up for them and who isn't.

There is a second threat the Republicans have issued. They will not help Flint, MI. The people of Flint, MI, have been poisoned by lead seeping into their drinking water; poisoned by a rightwing State government that decided to play fast and loose with the health and safety of a largely African-American town; poisoned by a fraudulent coverup that hid what happened while lead built up in the bodies of thousands of young children and caused terrible developmental problems and chronic health issues that will last for the rest of their lives; poisoned by a philosophy that says: Let's give tax breaks to billionaires and big corporations and then shrug it off when there is no money left to build infrastructure for clean water or provide education or opportunity for anyone else; poisoned by a Republican philosophy that says: No one matters but me and my children. Your children can drink lead; poisoned by the callous indifference of the Republicans who control the United States Congress.

It has been over a year since Flint's water was declared undrinkable. It has been 9 months since it was designated a Federal disaster eligible for our help. During that time, 100,000 residents of Flint—mothers and fathers, sons and daughters, children and babies—haven't had access to drinking water because of a Republican-State government that didn't care about the people living in Flint and a Republican Congress that didn't care either.

Michigan's two Senators, DEBBIE STABENOW and GARY PETERS, have spent nearly a year trying to work out some kind of solution—any kind of solution—that the Republicans who control Congress would agree to. They even got a fully paid for emergency relief package to move through the Senate with 95 votes—95 votes in the Senate—only to watch in horror as Republicans in the House are trying to tank it.

Recently, major floods hit Louisiana. Like Flint, Louisiana received a Federal disaster declaration to make the thousands of people who have lost their homes eligible for our help. Congressional Republicans, urged on by the two Republican Senators from Louisiana, have decided to give Louisiana the support it needs to recover from this disaster as part of the government funding bill, and that is great. The Republicans who control Congress said: There will be nothing for Flint. This is raw politics. Two Republicans represent Louisiana and two Democrats represent Michigan. Congress is controlled by Republicans so Louisiana gets immediate help, but after a year of waiting, Michigan gets told to pound sand.

Is this what we have come to? Is this what politics has become? There are 100,000 people in Flint, a town where more than half the residents are African-American and nearly half live in poverty. They get nothing because voters sent two Democrats to the Senate?

This is not a game. Flint is not a Democratic city or a Republican city; it is an American city. The children who have been poisoned are American children. The principle of standing up for those in need is an American principle.

I am a Democratic Senator from Massachusetts, but I will help the Republican Senators from Louisiana. I stand shoulder to shoulder with them in their hour of need, but I am sick and tired—I am past sick and tired—of Republican Senators who come here and demand Federal funding when their communities are hit by a crisis but block help when other States need it. Their philosophy screams, ''I want mine, but the rest of you are on your own.'' It is ugly, un-American, and just plain wrong.

We must stand with the Senators from Michigan. We must stand with the children of Flint, and we must put aside ugly partisanship that is literally poisoning a town full of American families. Any Member of the House or Senate who doesn't stand with them lacks the moral courage to serve in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

SURVIVORS' BILL OF RIGHTS BILL

Mr. GRASSLEY. Mr. President, I come to the floor to speak about an overwhelmingly bipartisan piece of legislation. I had hoped to be on the floor today to celebrate the passage of the Survivors' Bill of Rights; however, as is the case far too often here in Washington, political gamesmanship is taking precedence over sound policy.

The Democratic leadership is holding up this bill for purely political reasons. The Democratic leadership is delaying passage of this noncontroversial bill despite the fact that it enjoys broad bipartisan support. They are holding up this bill despite the fact that it is critical to help victims of sexual violence. They are holding up this bill despite the fact that the same language passed the Senate Judiciary Committee unanimously. They are holding up this bill despite the fact that it passed the Senate 89 to 0 and the House of Representatives 399 to 0.

The Survivors' Bill of Rights has been championed by a courageous rape survivor named Amanda Nguyen. Amanda is the founder and president of an organization that goes by the acronym RISE, a group that worked closely with me on the development of this survivors' rights package to establish new rights for survivors of sexual assault.

Amanda was the victim of sexual assault as a college student. Her struggle with the criminal justice system in the aftermath of this event transformed her into a tireless young advocate for survivors of sexual violence. Sexual violence, as you know, impacts millions of American women and men in our country every year. Victims of such crimes should not face an uphill battle in their pursuit of justice, as Ms. Nguyen did, and that is why I included this language in the Adam Walsh Reauthorization Act. That bill, which makes grants available to help States track convicted sex offenders, unanimously passed the Senate Judiciary Committee and the full Senate just a few months ago.

I am very proud to have shepherded this bill through the Judiciary Committee. It is a commonsense piece of legislation. For months, I urged the House Judiciary Committee to pass this very bill. Thankfully, that committee and the full House passed this bill just a few weeks ago. Now the Senate must act, of course, so we can send it to the President. Unfortunately, the Democratic leadership has chosen partisan politics over helping victims of sexual violence.

Since the House passed this legislation, Amanda has been checking in with my office nearly daily on the status of when the Senate will pass this bill. While Republicans are poised to move forward on this bill, Democratic leadership has continued to stall Ms. Nguyen's efforts.

Among other things, this bill ensures that each and every survivor of sexual assault should have equal access to all available tools in their pursuit of justice. This includes proper collection and preservation of forensic evidence.

The Survivors' Bill of Rights also secures a package of new rights for sexual assault survivors. Amanda Nguyen has been working with both political parties to help fellow survivors.

It has been an honor to work alongside Ms. Nguyen on this critical piece of legislation. I will fight for Amanda and every survivor of sexual assault until this bill passes.

I call on the Democratic leadership to stop delaying this bill immediately. We have an important bipartisan opportunity to improve the criminal justice system for survivors of sexual assault.

Today I ask the Democratic leadership to simply put the victims of sexual violence on the highest of priorities. Put these courageous individuals above partisan politics. We have done this before, and we should do it again, particularly in this environment of today's speeches from the other side of the aisle, decrying the fact that there might be too much partisanship in this body. This is a chance to demonstrate not only bipartisanship but also unanimity in the U.S. Senate that has already been demonstrated on this piece of legislation and get it to the President so we can help these courageous people who are fighting to help victims of sexual assault.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today, like many of my colleagues, to express frustration and outrage that we are once again considering leaving town without helping the people of Flint, MI, and people in other communities afflicted by lead poisoning across our Nation. It is the height of irresponsibility, and we are neglecting our duty as representatives of the American people.

It has now been over a year since doctors first reported that the high levels of lead in children's blood was caused by Flint's water supply. It has been 9 months since health officials reported that an increase in the cases of Legionnaires' disease was connected to the city of Flint after it changed its source of water, but still, the 100,000 residents of Flint are unable to drink the city's water, so they are still tied to bottled water.

Up to 12,000 children living in Flint now have to live with the specter of what their future might be after being exposed to lead in their water, and we know what lead does to developing brain cells. It leads to lower IQ scores, poor performance in school, inattention and impulsive behavior, as well as aggression and hyperactivity. It severely damages the prospects of the children it has poisoned.

This is a tragic story that has outraged our Nation. Yet here we are after more than a year, and we still have not taken action.

What have we done in this last year to help the families of Flint? While we have heard speech after speech in this Chamber, we have held hearings in which my colleagues have questioned Michigan officials about what happened and what needs to be done. There have been press conferences, there have been op-eds, there have been media interviews discussing the need to take action, but here we are without taking any action and without a bill on the President's desk.

Some here may say: Well, we passed the Water Resources Development Act, which did include money to assist the citizens of Flint, but we all know that the House hasn't passed their WRDA legislation. We all know that if they did pass their bill today, it doesn't have support for the citizens of Flint. We all know that a conference committee is far into the future since the House hasn't acted; therefore, a solution is not nearby. The prospect of a water development bill to aid the people of Flint by getting it to the President's desk is simply a hope, but it is a hope that is far away.

We have a better vehicle right here, right now, and that is the continuing resolution, which will make sure that the people of Flint get the help they need. It is the bird in the hand, not the bird in the bush. However, at this moment the continuing resolution before us does not contain a single cent for Flint or other communities affected by lead poisoning. It does contain millions of dollars for the people in Louisiana hurt by the terrible flooding that hit the State, and it is certainly the right thing to do to assist the citizens in Louisiana.

Thousands of families lost their homes, their belongings, and everything they owned. There were 60,000 homes damaged by the flood. The Coast Guard, National Guard, and local first responders rescued more than 30,000 residents, and in the immediate aftermath, more than 7,000 were living in shelters.

What happened in Louisiana is a major natural disaster. It was the largest to hit our Nation since the devastation brought on by Hurricane Sandy. We need to act, but we also need to act on Flint and other cities affected by lead poisoning. Louisiana needs our help, and Flint needs our help.

When disaster strikes, we should not weigh our response by whether a community's representatives here in Congress are Democrats or Republicans. Disaster knows no party. When disaster strikes, we should not pay more attention to helping the rich and influential than assisting the poor. When disaster strikes, geography should not determine one's worthiness to receive assistance. When disaster strikes, race should play no part in our response, but when it comes to the failure to act on Flint, I believe that we in this Chamber should reflect on the role race has played.

Does anyone here think that it would take more than a year for Congress to act if this disaster in Flint had befallen a wealthy White suburb of Dallas or Orlando or Chicago or L.A., or if it were the upper middle-class White kids of lawyers and doctors and corporate executives who had been poisoned by lead? Does anyone here believe that we would have sat and done nothing?

But with Flint, which is a poor African-American community, we have done nothing. Our Nation was founded on a legacy of slavery and racism, but we were also founded on a vision of equality and opportunity, and we have moved step-by-step to put the legacy of discrimination behind us and to embrace the vision of equality and opportunity for all. We still have a long road ahead of us to achieve that vision in its entirety.

We have often been too slow to respond to the pain, the suffering, and the loss of life in our minority communities. That is why the phrase ''Black Lives Matter'' resonates powerfully. It is not OK to profile Americans based on race. It is not OK to target one community with stop-and-frisk tactics. It is not OK to treat one race as a client and another as a problem. Black lives matter, and it is time we acted like that here in the Senate.

Let's start by responding quickly from this point forward on this crisis in Flint. Let's respond with the same urgency as the crisis in Louisiana. The flooding in Louisiana wreaked havoc on Louisiana families, but we all know that the poisoned water in Flint, MI, wreaked havoc on the families there. If you go to Flint today, you see pallet after pallet filled with water, and it is scattered all over the city, necessary for drinking, cooking, washing dishes, and brushing teeth. They use it because they don't have another choice.

Yes, the people of Louisiana have suffered a great loss, and I want to help them rebuild. But we know the people of Flint have suffered a great loss, and I want to help the people of Flint—not at some vague point after the election, not at some uncertain future date. They need action now. The people of Louisiana need action now, and the people of Flint need action now. Well, actually, they needed action a year ago.

We cannot choose between helping these two American communities. Both are suffering, both are in need, and both deserve our attention. We cannot play election-year politics with people's lives hanging in the balance. We must provide in this continuing resolution—the opportunity we have before us at this very moment—aid to help the citizens of both tragedies.

I hope that our leadership from the right of the aisle and our leadership on the left of the aisle come together to negotiate a compromise that treats the people of Louisiana and the people of Flint equally. If it doesn't, I will be voting against this continuing resolution, and I urge my colleagues to do the same.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today to talk about one of the most important responsibilities we have, which is the responsibility to help every community in a time of crisis.

When Sandy struck back in my home State of New Jersey, more than 100 people lost their lives, 8.5 million people lost power, and more than 650,000 homes were damaged and 40,000 more were severely damaged or destroyed. Hundreds of thousands of businesses were forced to close, with a $65 billion pricetag in economic loss in 13 States up and down the east coast. Unfortunately, emergency relief languished for weeks as some of my colleagues on the other side actually debated the value of helping others.

The junior Senator from Louisiana wouldn't vote for Sandy funding because it wasn't paid for, but now it seems he has found Jesus and seeks funding for flooding in Louisiana—and I would say rightfully so. The fact is that we can't have a disaster policy that says blue States have to pay for disasters, purple States have to partially pay, and no pay is needed for red States. We shouldn't be playing politics with disaster funding. When we do, real people suffer.

When it came to Sandy, a party that never had a second thought about giving billions of dollars in subsidies to Big Oil and never saw a tax break for millionaires they didn't like didn't step up to help families recover from one of the most devastating and ferocious coastal storms in history.

The decision to turn the responsibility of government into a political calculation is not how this Nation responds to disasters. But, unfortunately, the unthinkable is becoming all too common. We saw it this summer in a fight over providing Zika funding, which should have been a no-brainer. Alarm bells had been ringing for months, but instead of being proactive in preparing an adequate and appropriate response, Republicans chose to poison our efforts with rightwing ideological policy riders that prevented us from appropriately addressing these issues. So thanks to the majority, we did nothing while 20,000 Americans in Puerto Rico contracted the virus. We did nothing while the virus spread to the mainland, forcing the CDC to take the virtually unprecedented step of issuing a travel advisory in the continental United States—not some third world country but one of our Nation's largest and most vibrant cities, Miami. Yet, even after all of this, once again we did nothing. Why? Once again three words come to mind as they have for the last 8 years, which is Republican political obstructionism.

Now my friends on the other side seem to have moved past their state of suspended political animation and dropped their rigid ideological opposition to the Zika funding. But there are still serious issues that have a major impact on children's health that we have not acted on—namely, the lead crisis confronting not only those in Flint but those in our schools in New Jersey.

It took 3 full months for the victims of Sandy to get relief. It has taken months for this Congress to act against a clear threat of Zika. Here we are, 1 year after we learned about Flint, and yet the Republicans in Congress have done what they do best, which is absolutely nothing.

I have even heard the lame counterargument: ''Well, Flint was a manmade disaster, not a natural disaster—so we don't have an obligation to help—others.'' Seriously? We don't have an obligation as a nation to help others? I reject that argument.

The Federal Government always has an obligation to help a community facing a crisis, whether leading the initial response to the BP oil spill, responding to wildfires, superstorms, tornadoes, floods, or manmade disasters such as the failure of the levies in Hurricane Katrina. We were there as a nation. The question should not be manmade versus natural disaster. It should be the relief of human suffering in any event.

Last week, one of my colleagues dismissed the crisis in Flint as ''other people's grief.'' Other people's grief? That is a pretty stunning statement, shocking in its blatant disregard in our fundamental mission to protect every American.

In this Chamber there is no ''other people's grief.'' We are all Americans—one Nation, one community, indivisible—and in the community there is no room to brush off the crisis as ''other people's problems.'' In the case of Flint, the other people are 100,000 fellow Americans, the majority of whom are African Americans. Forty percent live in poverty, and 1 in 10 are unemployed. The so-called other people are children facing a lifetime of challenges, poisoned by a substance that we have known is toxic for decades. The other people are parents whose hearts are heavy with the thought that one of life's most basic needs—clean water to drink—is being denied to their children. The other people are community advocates who have spent the last year knocking on tens of thousands of doors trying to get the latest information to their neighbors about the ongoing health crisis. The other people were those whose health has been threatened by a local government that was more concerned about saving a buck than protecting their residents' lives. Now the Federal Government is failing them as well, by a callus dismissal that these are other people's problems—not ours, as Americans, but theirs—and they are on their own.

That is not the America I know. The America I know is one that stands together in times of crisis. We saw it in the aftermath of a disaster, whether it was first responders running into the burning towers on the morning of September 11, whether it was neighbors offering a place to sleep and a home-cooked meal to those whose homes were destroyed in Hurricane Katrina, whether it was hundreds of people who lined up to donate blood in the Orlando shooting. In a time of crisis, Americans stand together. We don't dismiss cries of help as the problems of others.

We heard talk of the urgency of providing aid to the people of Louisiana in the wake of the flooding, and I agree. But we cannot let the people of Flint be an afterthought. Now, some say the majority leader is thinking about removing the disaster aid that will help Louisiana just to prove a political point. Think about it. He would hang out communities to dry because some in his party don't want to look out for Flint. If the majority leader decides to withhold disaster assistance to both Flint and Louisiana, that would be a cynical stunt that would hurt real people and, frankly, we are better than that.

We cannot turn what should be a question of the basic health and safety of our citizens into a political calculation. But, unfortunately, the Republican continuing resolution doesn't see it that way. It focuses on corporate giveaways at the expense of families, businesses, and communities trying to recover from a disaster. While our colleagues are fighting over which communities are more worthy of disaster relief—a calculation I do not understand—they are also shamelessly pushing policy riders that favor corporations over investors, constituents, and the American public at large. They pat themselves on the back for funding to address flooding in Louisiana while quietly working behind closed doors to shield the pathways of dark money in politics.

Let me take a moment to tell our constituents what they won't see in their Republican Senators' press releases. They won't see any mention of a policy rider intended to block the Securities and Exchange Commission from requiring companies to disclose their political spending.

Here is why that is so important. The Supreme Court's 2010 decision in Citizens United fundamentally changed our Nation's campaign finance laws by opening the floodgates for unlimited and unchecked corporate spending on campaign ads, Federal and State law advocacy efforts, and many other methods of political communication.

In the 2012 elections, outside groups spent more than $1 billion, with much of it funneled through trade associations and nonprofits with minimal disclosure. In the 2016 cycle, which I don't need to remind my colleagues is far from over, outside groups have already spent $790 million. For 6 long years companies have had free rein to solidify their influence in politics and maximize their impact on elections. With no corresponding requirement to disclose how this money is being spent, there is simply no way to know if corporations are spending more money to defund Social Security or Medicare, dismantle

environmental protections, undermine education programs, or eviscerate Wall Street reform, including taking down the Consumer Financial Protection Bureau. Think about that.

The Republican Party is trying to make it harder for the American people to know how much money is being poured into the efforts that hurt consumers. In the past weeks alone, Wells Fargo perpetuated a huge scam on their customers, costing account holders millions of dollars and creating over 2 million fraudulent accounts. It was the Consumer Financial Protection Bureau that was instrumental in uncovering the scam and levying the largest fine in history.

So here we are just 2 weeks later sticking in riders to hide dark money from shareholders. That is exactly the type of dark money that attacks the Consumer Financial Protection Bureau, and the American people deserve to know who is funding those attacks.

The significance of this should not be understated. Ultimately, this is about silencing the voice of hard-working American families in favor of amplifying the speech and magnifying the influence of corporations. Unfortunately, it is all too emblematic of my Republicans colleagues' approach to lawmaking. When corporations ask Republicans to jump, they say: How high? When big banks ask Republicans to roll back critical Wall Street reforms, they say: How far? When the oil industry asks Republicans for a tax subsidy, they say: How much? It is shameless. Clearly, my Republican colleagues are defiantly turning their backs on consumers.

We cannot continue down this obstructionist path paved with the shattered remains of our long-held willingness to help each other in times of crisis. If we continue down this path when Republicans are in charge, no assistance would be provided if the east coast suffered another superstorm because those are blue States. It would mean that a slow-moving infrastructure crisis in an inner city would be ignored as ''other people's grief.'' It would mean that when Democrats are in charge, no relief would be provided for tornadoes in Oklahoma or floods in Kentucky because those are red States. That is not what we Democrats would do, and it is not, at the end of the day, the way to govern. We need to stop dividing our country into us versus them when it comes to fundamental human needs.

In this election season, let's remember that, above all, we are all Americans with common votes and shared values. Let's focus on doing right by the American people, rather than telling them we can solve all of our problems if we just turn the clock back to a better time and blame someone else—those people, the others—for our problems. That is not good politics, it is not good government, and it is not who we are as a nation or as a people.

I yield the floor.

Mr. DONNELLY. Mr. President, today I voted to move forward with a continuing resolution because I believe it is a fundamental responsibility of Congress to keep the government open. I am deeply frustrated, however, that, among the policies included in the amendment, the authors have failed to provide funding to address the Flint lead crisis or to allow the Export-Import Bank to operate at full capacity. As this body continues to work to develop a plan to keep the government operating, I strongly encourage both the majority leader and my colleagues to address these commonsense priorities.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL RICE MONTH

Mr. BOOZMAN. Mr. President, famously known as the Natural State, my home State of Arkansas holds the proud distinction as the Nation's leader in rice production.

Last year, Arkansas produced more than 50 percent of the total rice grown in the country. On average, farmers in Arkansas grow rice on 1.5 million acres each year. Ninety-six percent of those farms are family owned and operated. As the No. 1 producer of this crop, Arkansas has a unique role in the industry. That is why I am proud to recognize the 26th anniversary of National Rice Month.

I am pleased to promote policies that enable our farmers to manage risk and ensure that high-quality U.S. rice remains a staple on tables across the globe.

This industry is not only contributing to a nutritious and balanced diet, it is also an economic engine in rural America. Nationwide, the rice industry accounts for 125,000 jobs and contributes more than $34 billion to the U.S. economy. In Arkansas, rice contributes more than $1.8 billion to our State's economy and provides thousands of jobs. We can increase both of these numbers even more if we open additional markets for our rice producers to compete in.

Rice farmers all across America would benefit from a changing policy with Cuba because rice is a staple of the Cuban diet. The U.S. Department of Agriculture estimates that U.S. rice exports could increase by $365 million per year if financing and travel restrictions were lifted. Arkansas' agricultural secretary has said that the economic impact on the State's rice industry could be about $30 million.

Rice production is efficient. More rice is being produced on less land, using less water and energy than 20 years ago. As great stewards of the land, rice farmers are committed to protecting and preserving our natural resources. I am proud to celebrate 26 years of National Rice Month and honor the more than 100,000 Americans involved in the rice industry.

Additionally, I wish to make a comment about the devastating floods that northeastern Arkansas experienced in August. The recent floods caused serious damage to crop production, including rice. Many of these crops were near harvest stage.

The University of Arkansas estimates that the State suffered $50 million in crop losses due to the recent flooding. This damage has largely flown under the radar, and the final damages may be more than this preliminary estimate. The Governor of Arkansas has requested disaster assistance from the USDA, and last week the Arkansas congressional delegation wrote a letter in support of the Governor's request. Secretary Vilsack committed to me that he would expedite this request as quickly as possible, and I encourage him to do so.

Agriculture accounts for nearly one-quarter of Arkansas' economic activity. One out of every six jobs in Arkansas is tied to agriculture. Rice production is a vital part of agriculture's contribution to Arkansas' economy. I am committed to helping our rice producers succeed in today's global economy.

MORNING BUSINESS

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECENT EVENTS IN ETHIOPIA

Mr. LEAHY. Mr. President, I want to bring the Senate's attention to the Ethiopian Government's brutal crackdown on protestors over the past 9 months. According to Human Rights Watch, more than 500 people have been killed by Ethiopian security forces in antigovernment demonstrations since November 2015, including over 100 gunned down in early August of this year alone.

These protests by the country's two largest ethnic groups, the Oromos and Amharas, reflect enduring tensions brought on by the Ethiopian Government's longstanding marginalization and persecution of these communities. But such grievances are shared by even broader segments of Ethiopian society, including from other communities that have been forcibly evicted from their land in the name of development and the journalists, civil society activists, and countless other political prisoners sitting in Ethiopian jails for speaking out against the government's repressive rule.

The international community, including the United States, has paid too little attention to the Ethiopian Government's repressive policies, focusing instead on the country's rapid development gains and the government's cooperation on regional security. But it is time for the Ethiopian Government to acknowledge that grievances stemming from marginalization, abuse, and

exclusive governance cannot be effectively addressed through the provision of basic services alone.

The United States should set an example by redefining its relationship with Ethiopia, starting with the recognition of this reality. In too many developing countries, legitimate concerns about unaccountable governance are given short shrift as aspirational and inconvenient tradeoffs for positive relations with host governments. But the quiet diplomacy of the past—backroom condemnation and public praise—has proven unable to ensure the sustainability of U.S. investments by failing to protect and promote stability, let alone encourage meaningful reform by the Ethiopian Government.

It is precisely because Ethiopia is a strategic partner of the U.S. that we should encourage remedies to the underlying tensions in the country. That does not mean we walk away from our partnership, but we should examine the type of assistance we provide to the Ethiopian Government to ensure it aligns with shared interests and activities that contribute to government capacity in a manner that addresses local concerns.

This is not without its challenges, and the only government that has the ability to successfully reform Ethiopia is its own. Prime Minister Hailemariam Desalegn and the rest of the Ethiopian leadership should begin by reassessing its crowd control tactics and ensuring accountability for those who have committed abuses. I support the call by the Office of the UN High Commissioner for Human Rights for an independent, transparent, thorough, and effective investigation into violations of human rights committed during the unrest, and if the Ethiopian Government is interested in demonstrating its legitimacy, it would welcome such an inquiry.

I look forward to working with other Members of Congress, the Obama administration, and their successors to determine how best we can ensure that the assistance U.S. taxpayers provide to Ethiopia serves our long-term interests in the region.

IMPRISONMENT OF AYA HIJAZI

Mr. LEAHY. Mr. President, I want to speak about a matter in Egypt, a longtime ally of the United States, a country with a rich history and culture, but whose people have suffered for years due to corrupt, repressive governments and an anemic economy that stagnates under excessive statist control. This is the situation despite more than $75 billion in U.S. economic and military aid for Egypt over the past 50 years.

Today, more than 5 years after public protests led to the resignation of President Mubarak, followed by the election of the Muslim Brotherhood, the military-supported coup that forcibly removed and imprisoned President Morsi and thousands of his followers, and the election that brought President al-Sisi, a former army general, to power, the United States and Egypt are struggling to preserve a long history of security cooperation.

That cooperation is important to the Middle East region as a whole, but U.S.-Egypt relations face increasing challenges as President al-Sisi tightens his grip on power by persecuting political opponents, silencing members of the media, including deporting American and other foreign journalists who criticize his policies and imprisoning representatives of civil society.

The brutal torture and killing of Giulio Regeni, an Italian student and journalist who many believe was an innocent victim of the Egyptian police, occurred only 4 months after the Egyptian army attacked a convoy of tourists in September 2015, killing 12 and injuring 10, including an American who continues to suffer from her injuries for which she has received no compensation.

Just last week, a court in Cairo froze the assets of some of Egypt's most prominent human rights defenders in an attempt to silence them and put their organizations out of business. The State Department responded by urging the Egyptian Government to ease restrictions on association and expression.

These and other incidents have cast a dark cloud over efforts to find a common way forward with the al-Sisi government.

In May 2015, after repeated appeals by me, Secretary of State Kerry, and others, the Egyptian Government finally released Mohammed Soltan, a young Egyptian-American who was imprisoned, along with his father, for nearly 2 years. His crime, if one can call it that, was taking part in a public protest. In return for his release, he was forced to give up his Egyptian citizenship, a Hobson's choice that no citizen of any country should have to make.

In the meantime, on May 1, 2014, the government arrested Aya Hijazi, 29 years old and also an Egyptian-American, whose husband, an Egyptian citizen, was also arrested, along with Sherif Talaat Mohammed, Amira Farag, and eventually Ibrahim Abd Rabbo, Karim Magdi, and Mohammed al-Sayyed Mohammed, for operating a nonprofit organization called the Belady Foundation, which is dedicated to helping abandoned and homeless children.

Backing up for a moment, Aya's mother and father came to the United States to pursue master's degrees and because Aya's grandmother, who lived in Virginia, wanted her family nearby. Three of Aya's uncles, an aunt, and their families live in Houston and are all American citizens. Aya grew up here, went to middle school and high school in Virginia, and graduated from George Mason University. At George Mason, she was a volunteer for Search for Common Ground, a respected peacebuilding organization based in Washington.

After graduating, Aya moved to Cairo where she met Mohammed Hassanein, whom she married, and who, like Aya, wanted to be involved in social work. Together they founded Belady, which means ''our country,'' and which Aya and the members of her organization call ''an island of humanity.'' That same year, Aya was accepted to study at the American University in Cairo, a prestigious institution that receives funding from the U.S. Government, focusing on social work and children's welfare, but she and her husband were arrested before she began her studies.

The charges against them are as salacious as they are farcical: sexually abusing children and paying them to participate in antigovernment demonstrations. Since then, Aya, her husband, and the five Belady volunteers have been in prison. After more than 2 years, the government has yet to disclose a shred of evidence to support the allegations, and Aya, her husband, and the other defendants are still awaiting a fair, public trial and a chance to defend themselves.

Aya Hijazi's case fits a pattern. We have seen it time and again, not only in Egypt, but in other repressive societies where governments are unaccountable and abuse the judicial process to silence dissent and intimidate those who are perceived, rightly or wrongly, to be engaged in activities that may reflect poorly on the authorities.

We all want relations with Egypt to improve, just as we want the Egyptian people to enjoy the rights and opportunities they deserve. With ISIS and other extremist groups infiltrating throughout the Middle East and beyond, impoverished Egyptian youths, who have few educational and professional options, are particularly vulnerable to ISIS recruitment.

But the more governments curtail the rights and ability of people with grievances to express themselves and to seek redress through peaceful means, the more likely it is that they will resort to violence. This is not a new concept. Anyone who has read the Declaration of Independence understands it. It is what ultimately brought about the downfall of President Mubarak.

The Egyptian Government has imprisoned Aya without trial for more than 850 days. That alone is inexcusable and a violation of Egyptian law, which holds that no one can be subjected to pretrial detention for more than 2 years without being released with or without bail. On February 3, 2016, the Egyptian Initiative for Personal Rights published a petition signed by 25 Egyptian human rights organizations against the detention of the Belady founders and volunteers. On May 20, 2016, the Robert F. Kennedy Human Rights organization submitted Aya's case to the UN Working Group on Arbitrary Detention, seeking her release. On May 21, Aya's trial date was

postponed, yet again, to November 19, 2016. Last week, White House officials called for her release.

Aya has suffered emotionally and physically. She is often prohibited from writing to or receiving correspondence from her family, and her reputation and that of the other defendants, as well as her organization, has been tarnished by unproven allegations. She and the others should be immediately released. Absent proof, made available for all to see, that they have committed a punishable offense, the charges should be dismissed.

Egypt was among the 48 countries that voted for the Universal Declaration of Human Rights on December 10, 1948. That is a vote to be proud of, but the al-Sisi government's persecution of Aya Hijazi and others who have been subjected to lengthy imprisonment without trial or whose only offense is to criticize government corruption and abuse or to participate in nonviolent social activism makes a mockery of Egypt's vote.

The Universal Declaration, among other rights, includes the following: article 9, No one shall be subjected to arbitrary arrest, detention, or exile; article 10, Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in determination of his rights and obligations and of any criminal charge against him; article 11(1), Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defense; article 19, Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers; and article 20, Everyone has the right to freedom of peaceful assembly and association.

Each of these articles has been violated in Aya Hijazi's case.

On January 20, 2017, the next President of the United States will take the oath of office. That is 116 days from today. The next President will immediately face every imaginable challenge, foreign and domestic, including the instability and violence in the Middle East and North Africa.

I therefore urge the Government of Egypt, in the remaining months of the Obama administration, and in particular President al-Sisi, who also has a daughter named Aya and who I believe, if he examined this case, would agree that Aya Hijazi does not belong in prison, to recognize this opportunity and take steps to enable our next President to immediately engage with Egypt in a manner that brings our countries closer together, not farther apart. A key step would be the satisfactory resolution of the cases of Aya Hijazi, her husband, and the Belady volunteers and of United States nongovernmental organizations that have been prevented from working in Egypt on behalf of the Egyptian people.

RECENT DEVELOPMENTS IN THE PHILIPPINES AND INDONESIA

Mr. LEAHY. Mr. President, according to recent reports, more than 3,000 people have been killed in the Philippines in the 12 weeks since President Duterte announced his campaign to wipe out illicit drug use.

More than 1,000 of those deaths were at the hands of the Philippine National Police during counternarcotic operations, compared to 68 such killings this year in the months prior to President Duterte taking office, half of which happened in the period between his election and inauguration. The rest were killed apart from police operations, incited by President Duterte's violent rhetoric, which has been well documented. The vast majority of these individuals were low-level drug users, victims of a government seeking to make up for years of ineffective, corrupt law enforcement and rampant crime by terrorizing the population into submission.

As the ranking member or chairman for more than 25 years of the Senate Appropriations subcommittee that funds U.S. foreign assistance programs, I have been frustrated that we often fail to learn obvious lessons when it comes to foreign assistance investments. One example is that economic opportunity and security alone cannot assure stability. Stability requires legitimate governance and the protection of human rights. This is not just an aspiration; it is a practical, strategic imperative.

As a former prosecutor and now ranking member of the Judiciary Committee, I know the difference between those who need help versus those who deserve to be punished. I also know, as do most people, that, when governments condone extrajudicial killings and forced disappearances and prey on vulnerable populations, they are sowing the seeds of instability, not preventing it.

For roughly 700,000 Filipino drug users, the prospect of being summarily executed on the street has led them to turn themselves into the authorities. That would seem to be a good thing. But given the shortage of drug treatment centers, these individuals are either told to pledge that they will remain drug free and sent home to recover on their own, or they are imprisoned in overcrowded, inhumane conditions. By failing to address the needs of those who have risked coming forward, President Duterte is missing an opportunity to combat the drug trade in one of the most sustainable ways possible: by helping hundreds of thousands of people get the help they want to beat their addiction.

No amount of killing will result in reforms that improve the judiciary, end corruption and impunity in law enforcement, or rehabilitate those caught in the vicious cycle of addiction. To the contrary, if President Duterte is serious about improving conditions in the Philippines, he should be focusing on improving services for Filipinos, not casting them aside; holding law enforcement accountable, not giving them a blanket license to kill suspects; and strengthening the judiciary, not undercutting it.

In a troubling sign that these concerns are falling on deaf ears, President Duterte's most vocal opponent of his antidrug policies, whom President Duterte has publicly accused of being involved in drug trafficking and attempting to smear him, was recently removed from her position as the head of the senate human rights panel investigating the killings. She was replaced by a senator who supports giving the police the authority to arrest anyone without a warrant.

I know that as ranking member of the Foreign Relations Committee, Senator CARDIN also has concerns with the situation in the Philippines, and I yield to him for any remarks he may wish to make.

Mr. CARDIN. I thank my friend from Vermont for his raising this important issue and appreciate the opportunity to join him today.

The relationship between the United States and the Philippines is tremendously important for both our nations and both of our people; yet I fear that today, because of the way in which the new government of President Duterte is approaching this issue, we may find ourselves at something of a crossroads.

If the current trends continue, we can expect that over 6,000 people will be dead as a result of extrajudicial killings in the Philippines by the end of this year—6,000 people. This is not a situation in which there is occasional error or the overzealous application of force. This is systematic, widespread, brutal, and beyond the bounds for a constitutional democracy.

And as my colleague from Vermont pointed out, these dead are not just drug dealers—although that would be troubling enough given the lack of due process—but also include addicts, who need help, as well as innocent bystanders.

I understand President Duterte's desire to stop the devastation caused by illegal narcotics. I believe that most of my colleagues do. We, too, have seen what drug trafficking and addiction can do in our communities. We also have a long history of both successful and unsuccessful efforts to combat narcotics, but we have learned that there is a right way to approach this issue—with law enforcement, due process and rule of law, with treatment—and a wrong way. President Duterte, in advocating and endorsing what amounts to mass murder, has chosen the wrong way. Senator LEAHY is absolutely right when he said that a lack of respect for rule of law and democratic governance breeds instability, distrust, and sometimes violence.

Filipino police have attributed most of the killings to suspects who ''resisted arrest and shot at police officers.'' Yet it has been impossible to assess police claims that the killings were all lawful, since President Duterte has rejected calls to investigate these deaths. He has instead declared the killings as proof of the ''success'' of his antidrug campaign and, along with other more forceful and ''colorful'' statements which appear to endorse vigilante killings, urged police to ''seize the momentum.'' Human rights groups, the United Nations, the U.S. Government, and a Philippine Senate panel have expressed concerns about the killings, which allegedly have been carried out without legal proceedings as provided for under Philippine law and international obligations.

As the distinguished gentleman from Vermont knows, I have been a strong supporter of the Philippines' law enforcement institutions, including recently introducing legislation which would increase law enforcement cooperation between our two countries.

But these recent reports of thousands of extrajudicial killings, as well as detentions and a lack of respect for international human rights commitments, are profoundly troubling. They undermine our mutual goals of upholding liberal democratic values in the region and to strengthening international law.

Indeed, as the Senator from Vermont knows, just this past week, President Duterte said that he intends to reconstitute the constabulary, the most abusive parapolice under the Marcos regime. For any historian of human rights abuses in the Philippines, this is a deeply troubling development.

I would ask my friend and colleague if he shares my concerns with the direction that the Philippines appears to be going and the implications for the US-Filipino relationship.

Mr. LEAHY. Yes, like the Senator from Maryland, I am deeply concerned with these events, and I believe that, if the extrajudicial killings and state-sanctioned violence continue and there is no accountability for the abuses that have been committed, there will need to be an appropriate response by the U.S. Government.

Mr. CARDIN. Indeed, as we celebrate the 70th anniversary of diplomatic relations between our two countries, we should underscore that our alliance is needed now more than ever. With a more assertive China in the maritime domain, a changing global economic landscape, and an increase of transnational challenges confronting the region, the U.S.-Philippines alliance is critical to both our nations.

But this alliance is about more than just interests narrowly construed. The relationship between our nations is more than an alliance. It is a genuine friendship. This is a deep relationship built on shared values and a deep appreciation, both here and in the Philippines, of the importance of democracy, of rule of law, of due process, of the proper application of justice, and of constitutional order. It is because these extrajudicial killings shake the very foundation of that shared vision of shared values that I find these developments so deeply troubling.

So I would also ask my colleague his opinion, as the author of the ''Leahy Law,'' whether he thinks that the application of ordinary U.S. policy and law, and the Leahy Law in particular, is sufficient to meet the challenges that we see in the Philippines. Given the nature of these extrajudicial killings, how would unit-level vetting apply? And if the United States is unable to use the normal tools available, what are the other options that we might need to consider?

Mr. LEAHY. I share the Senator's views about the importance of the U.S.-Philippines alliance and his concerns with the implications of President Duterte's antidrug policies for that alliance. I wrote the Leahy Law, which applies worldwide, to ensure that the U.S. is not complicit in human rights violations committed by forces that might receive U.S. assistance and to encourage foreign governments to hold accountable perpetrators of such abuses. While there are ways we can find out which units were involved in these abuses, if President Duterte's government is unwilling to work with us, including by refusing to investigate allegations of abuses, then we are faced with a broader issue that cannot be remedied simply by withholding assistance from specific units or individuals.

The Leahy Law should be used to encourage reform and accountability, but to address these systemic challenges, it may be necessary to consider further conditions on assistance to the Duterte government to ensure that U.S. taxpayer funds are property spent and until that government demonstrates a commitment to the rule of law. I have asked the State Department to discuss this with us to help inform our deliberations on current assistance for the Philippines and on decisions we will make for appropriations in fiscal year 2017.

Mr. CARDIN. I thank my colleague for his thoughtful response. I, too, am greatly concerned that, unless we are able to see a more constructive approach on these issues from the government of President Duterte—an approach that is just as serious about combatting the scourge of narcotics, but approaches the issue in a legal framework—that we may need to consider taking these steps. This is an important relationship. I have many Filipino-American citizens in Maryland, and I care deeply about strengthening the US-Philippines Alliance, especially given the challenges that the regional order faces from a rising China, but this issue is critical as well.

Mr. LEAHY. I thank my friend from Maryland for his leadership on the Foreign Relations Committee and for his interest in this issue. I look forward to working with him to respond to the challenges President Duterte's policies pose to our relations with his government, as we seek to continue our strategic cooperation with the Philippines.

Mr. President, on a separate but related matter, we are seeing another missed opportunity to reform the criminal justice system in Indonesia. President Joko Widodo took office in 2014 amid the hopes of many that he would improve on the country's history of human rights abuses. Instead, he reinstated the death penalty for drug trafficking, and the head of his government's antinarcotics agency recently expressed his approval of President Duterte's approach to combating illicit drugs. To the contrary, it is a serious mistake, and I urge President Joko to reverse course and focus on improving his police force and judicial system.

Any government that uses capital punishment risks taking innocent life. But it is a particularly egregious practice in a country like Indonesia, where executions are peddled as effective justice despite a weak judicial system that is vulnerable to abuse, and to the detriment of its reform—nor is torturing and burying those suspected of involvement in the drug trade effective law enforcement. It is an abuse of power, it prevents remedies to deeply flawed practices within the security forces, and it belies the legitimacy of the government.

We have a complex relationship with both Indonesia and the Philippines due to our own history in the region. However, we also share many interests. I have supported assistance for both countries, but I have also supported conditions on U.S. assistance related to progress on human rights and reform of the judiciary, police, and armed forces. Unfortunately, I fear that the progress that has been made is now at risk of being eroded.

Often, we are presented with the false choice of supporting human rights or national security. I see no such dichotomy here. Consider the impact of our complicity in these governments' actions, both on our own legacy and on the efforts we are undertaking to help improve security and stability in the region. The Philippines and Indonesia cannot combat extremism or profess to govern legitimately by murdering innocent and nonviolent people, by creating a culture of lawlessness and impunity.

The United States is far from perfect. We have not done as well as we should in addressing the illicit drug problem in our own country. Many Americans need and want treatment and cannot get it. But we should not support those who make a practice of using excessive force or the death penalty, rather than protecting the rights of due process and fair trials.

I ask unanimous consent that two articles on this subject, both published in the New York Times last month, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 13, 2016]

INDONESIA'S PUSH TO EXECUTE DRUG CONVICTS UNDERLINES FLAWS IN JUSTICE SYSTEM

(By Joe Cochrane)

JAKARTA, INDONESIA.—Sixteen years ago, Zulfiqar Ali left his native Pakistan for Indonesia in search of a new life. Last month, that life was on the verge of ending in front of a firing squad.

Mr. Ali has been on Indonesia's death row since 2005, after he was convicted of heroin trafficking. A government-ordered inquiry later found that he was probably innocent. Still, in July, he was one of 14 convicts, most of them foreigners, who were taken to the prison island of Nusakambangan off Java's southern coast to be put to death.

Minutes before they were to be executed, on July 29, Mr. Ali and nine other convicts were given a reprieve, for reasons the government has yet to explain. But four were shot dead as scheduled, including a Nigerian who supporters say was framed. And Mr. Ali, like the rest who were spared, remains condemned.

More than a year after Indonesia drew international censure by putting to death 12 foreigners convicted of drug crimes, the country has resumed a war on narcotics by way of executions—and has again put a spotlight on its profoundly flawed justice system.

Critics in Indonesia and abroad say those flaws go so deep that the country should not employ the death penalty at all. Researchers have found that many condemned convicts were tortured by the police into confessing, did not receive access to lawyers or were otherwise denied fair trials.

The resumption of executions means ''that the government has ignored that there is something seriously wrong with our judiciary and law enforcers,'' said Robertus Robet, a lecturer and researcher at the State University of Jakarta's sociology department. He characterized the government as ''trigger-happy.''

''When you execute someone, you execute the possibility of finding out the truth,'' he said.

Amnesty International has denounced ''the manifestly flawed administration of justice in Indonesia that resulted in flagrant human rights violations.'' Similar concerns have been raised by the United Nations and the European Union, which sent a delegation to try to persuade Indonesia to spare inmates who were condemned to die last year.

Indonesia has long had the death penalty, but its use was sporadic in the years before President Joko Widodo took office in October 2014. Declaring drug abuse a ''national emergency,'' Mr. Joko denied clemency appeals from 64 death row inmates who had been convicted of drug crimes, most of them foreigners, and the government set a goal of executing all of them by the end of 2015.

That did not happen, but five drug convicts were put to death in January of that year, and eight more in April. (An Indonesian was also executed for murder in January.) Among the convicts executed in April, seven of whom were foreigners, were Andrew Chan, 31, and Myuran Sukumaran, 34, Australians who were arrested in 2005 trying to smuggle heroin out of Bali, the resort island.

The men admitted their guilt, but their lawyers said the judge in the case was corrupt, having offered a lesser sentence in exchange for a bribe. Indonesia rejected appeals by the Australian government to spare them, and Australia withdrew its ambassador in protest.

Also executed in April was Rodrigo Gularte, 42, a Brazilian convicted of drug smuggling who had repeatedly been given a diagnosis of schizophrenia and bipolar disorder. Indonesian law forbids the execution of mentally ill convicts.

Dave McRae, a senior research fellow at the Asia Institute at the University of Melbourne in Australia who has researched the use of capital punishment in Indonesia, said that the deficiencies in the justice system here could be found in most countries that still used the death penalty.

''A lot of the objections to Indonesia's use of the death penalty—inconsistent and arbitrary sentencing and application of the death penalty, allegations of corruption and wrongful convictions, questions over access to lawyers and interpreters and adequacy of representation—are questions that are raised all over the world,'' he said.

Such concerns have been raised about the cases against some of the convicts spared last month—and some who were executed, including the Nigerian, Humphrey Jefferson Ejike Eleweke.

Mr. Eleweke was arrested in 2003 after the police found heroin at a restaurant he ran in Jakarta, the capital; he said an employee had planted it. His lawyers say that the police beat him until he confessed.

They also say that by law, an 11th-hour appeal for clemency issued to Mr. Joko should have automatically halted his execution. Last week, legal activists filed a complaint with a judicial watchdog against Indonesia's attorney general, saying that Mr. Eleweke's execution and those of two others should have been stopped because of those appeals, according to local news reports.

''We cannot have the death penalty here because of the judicial system—it's problematic, it's dysfunctional,'' said Ricky Gunawan, director of the Community Legal Aid Institute, a nongovernmental organization that represented Mr. Eleweke.

Another allegation of corruption emerged just before the executions last month, when one of the men put to death, an Indonesian named Freddy Budiman, was quoted as saying that he had paid senior law enforcement officials more than $40 million to let his drug smuggling operation continue before he was arrested.

That accusation was included in a report released by a rights activist, Haris Azhar, who had interviewed Mr. Budiman in prison; shortly thereafter, the police, the military and Indonesia's anti-narcotics board, all of which were implicated in the report, filed a criminal defamation complaint against Mr. Azhar. On Thursday, Mr. Joko ordered those agencies to investigate the corruption allegations.

The case of Mr. Ali, the Pakistani who was spared execution, has also raised concerns.

Mr. Ali, who immigrated to Indonesia in 2000, was accused of drug dealing in 2004 by a friend, Gurdip Singh, who had been caught with heroin; Mr. Singh later said the police had pressured him and offered a reduced sentence to name accomplices. Mr. Al's lawyers say their client was arrested without a warrant at his home, where no drugs were found, and signed a confession after being beaten so badly in custody that he needed two operations.

Though Mr. Ali retracted his confession and Mr. Singh withdrew his accusation, both men were sentenced to death in 2005. But the severity of Mr. Ali's beating drew attention to the case, and the government ordered an unusual inquiry, which concluded that he was likely to be innocent.

The government never acted on those findings, and Mr. Ali and Mr. Singh were among those who nearly faced a firing squad.

''He was never involved in drugs,'' Mr. Ali's wife, Siti Rohani, who lives in West Java Province with their three children, said in an interview.

A spokesman for Mr. Joko, Johan Budi, denied that the judicial system was dysfunctional, saying the executions had followed legal procedures.

Mr. Ali, along with Mr. Singh and several of the other convicts who were given reprieves, is still in prison on Nusakambangan Island, where Indonesia conducts executions. Ms. Siti said she and her husband's family in Pakistan were in a torturous state of limbo.

''We're just confused because there is no certainty about my husband's fate,'' she said.

M. Rum, a spokesman for the attorney general's office, declined to explain why Mr. Ali and the other convicts had been given reprieves, saying only that it was ''for judicial and nonjudicial reasons.'' But he said the executions would eventually be carried out.

[From the New York Times, Aug. 2, 2016]

BODY COUNT RISES AS PHILIPPINE PRESIDENT WAGES WAR ON DRUGS

(By Jason Gutierrez)

MANILA.—Since Rodrigo Duterte became president of the Philippines just over a month ago, promising to get tough on crime by having the police and the military kill drug suspects, 420 people have been killed in the campaign, according to tallies of police reports by the local news media.

Most were killed in confrontations with the police, while 154 were killed by unidentified vigilantes. This has prompted 114,833 people to turn themselves in, as either drug addicts or dealers, since Mr. Duterte took office, according to national police logs.

Addressing Congress last week in his first State of the Nation address, Mr. Duterte reiterated his take-no-prisoners approach, ordering the police to ''triple'' their efforts against crime.

''We will not stop until the last drug lord, the last financier and the last pusher have surrendered or been put behind bars or below the ground, if they so wish,'' he said.

But human rights groups, Roman Catholic activists and the families of many of those killed during the crackdown say that the vast majority were poor Filipinos, many of whom had nothing to do with the drug trade. They were not accorded an accusation and a trial, but were simply shot down in the streets, the critics say.

''These are not the wealthy and powerful drug lords who actually have meaningful control over supply of drugs on the streets in the Philippines,'' said Phelim Kine, a deputy director of Human Rights Watch in Asia.

Critics of the president's campaign have rallied around the case of Michael Siaron, a 29-year-old rickshaw driver in Manila, who was shot one night by unidentified gunmen as he pedaled his vehicle in search of a passenger. When his wife rushed to the scene, a photographer took a picture of her cradling his body in the street, and the photograph quickly gained wide attention.

Scribbled in block letters on a cardboard sign left near his body was the word ''pusher.'' His family members insist that he was not involved in the drug trade, though they said he sometimes used meth.

Indirectly acknowledging criticism that his policies trample over the standard judicial process, Mr. Duterte said that human rights ''cannot be used as a shield to destroy the country.''

He has called for drug users and sellers to turn themselves in or risk being hunted down, a threat backed up by the bodies piling up near daily on the streets of Philippine cities.

The approach appears to be driving down crime: The police say that they have arrested more than 2,700 people on charges related to using or selling illegal drugs, and

that crime nationwide has fallen 13 percent since the election, to 46,600 reported crimes in June, from 52,950 in May.

Mr. Duterte's crackdown has been hugely popular. Filipinos, pummeled by years of violent crime and corrupt, ineffective law enforcement, handed him an overwhelming victory in the May presidential election, and have largely embraced his approach.

A national opinion poll conducted after his election and just before he took office found that 84 percent of Filipinos had ''much trust'' in him.

The model for Mr. Duterte's policies is Davao City, where he was mayor for most of the past 20 years. Draconian laws there, including a strict curfew and a smoking ban as well as a zero-tolerance approach to drug users and sellers, have been credited with turning the city into an oasis of safety in a region plagued by violence.

The dark side of that approach was that more than 1,000 people were killed by government-sanctioned death squads during his administration, according to several independent investigations.

Mr. Duterte has denied having direct knowledge of death squads, but he has long called for addressing crime by killing suspects, whom he calls criminals and has referred to as ''a legitimate target of assassination.''

He has repeatedly said that those hooked on meth, the most popular drug here, were beyond saving or rehabilitation.

He ran for president largely on the pledge of applying the same policies nationwide, promising to kill 100,000 criminals in his first six months in office. While the number may have been typical Duterte bravado, the threat of mass killing appears to have been real.

On Tuesday, the International Drug Policy Consortium, a network of nongovernmental organizations, issued a letter urging the United Nations drug control agencies ''to demand an end to the atrocities currently taking place in the Philippines'' and to state unequivocally that extrajudicial killings ''do not constitute acceptable drug control measures.''

Ramon Casiple, a political analyst at the Institute for Political and Electoral Reform, said that he shared those concerns but that it was too early to decide whether Mr. Duterte's approach is effective. ''Let's give him his 100 days,'' Mr. Casiple said.

Mr. Duterte has recently raised his sights beyond street-level users and dealers, accusing five police generals of protecting drug lords, though he presented no specific evidence.

He also publicly accused a mayor, the mayor's son and a prominent businessman of drug trafficking, threatening their lives if they did not surrender.

But the people killed on the street tend to be more like Mr. Siaron, the rickshaw driver.

Mr. Siaron lived with his wife in a shack above a garbage-strewn creek. Having never finished high school, he survived on odd jobs like house painting and working in fast-food restaurants.

Lately he had been pedaling a rickshaw, earning about $2 a day ferrying passengers through the warren of alleyways in a rundown part of metropolitan Manila.

On the night he died, he had stopped by his father's fruit stand to ask for an apple.

Then he told his father he would seek one more fare before heading home. As he rode off, gunmen on motorcycles sped by, pumping several bullets into him.

What happened next turned him into a national symbol of the human toll of Mr. Duterte's war.

When she heard he had been shot, Mr. Siaron's wife, Jennilyn Olayres, ran into the street, burst through police lines and collapsed next to him on the asphalt. The photographer snapped the picture: a distraught woman cradling her lifeless husband under a streetlight, a Pietà of the Manila slums.

The police have not commented publicly about the case and have not accused Mr. Siaron of selling drugs.

''My husband was a simple man,'' Ms. Olayres said at his wake several days later. ''He may have used drugs, but he was not violent and never bothered anyone. His only concern was looking for passengers so we can eat three meals a day.''

During his speech to Congress, Mr. Duterte dismissed the photo, which had appeared on the front page of The Philippine Daily Inquirer the previous day under the banner headline ''Thou shall not kill.''

''There you are sprawled on the ground, and you are portrayed in a broadsheet like Mother Mary cradling the dead cadaver of Jesus Christ,'' he said. ''That's just drama.''

But if the antidrug campaign has targeted people on the margins of society, Mr. Siaron is an apt symbol.

''We're small people, insignificant,'' Ms. Olayres said through sobs as she stood next to her husband's coffin. ''We may be invisible to you, but we are real. Please stop the killings.''

TRIBUTE TO JOHN HOMER CALDWELL

Mr. LEAHY. Mr. President, I want to briefly call the Senate's attention to a Vermonter who, more than any other individual, has been responsible for the sport of cross-country skiing becoming a winter pastime and passion for countless Americans of all ages. I count myself and my wife, Marcelle, among them.

There have been many articles written about former Olympic combined skier John Caldwell of Putney, VT, who in 1964 wrote the how-to guide to cross-country skiing, and about his sons and daughter and granddaughter Sophie and grandson Patrick, each of them outstanding cross-country skiers in their own right, two of whom, son Tim and Sophie, have represented the United States at the winter Olympics. Chances are they are not going to be the last Vermonters with the Caldwell name to do so.

I will not repeat what those articles have said, but I ask unanimous consent that one of them, published in the Rutland Herald on February 23, 2014, entitled ''Vt. ski pioneer sustains Olympic spirit,'' be printed in the RECORD at the end of my remarks. It gives you a pretty good idea of the 87-year-old Vermonter I am talking about.

John Caldwell, known to his many friends as Johnny, is a pioneer and legend in every sense of the words. After the 1952 Olympics, he embarked on a lifelong campaign to teach and coach others to enjoy the sport of cross-country skiing as he did, whether as a simple way to get out in wintertime and experience the snow-filled woods and fields of Vermont or to ski competitively. I think it is fair to say that just about every cross-country skier in this country, from the fastest racers to the recreational ski tourers like me and Marcelle, owes our love of the sport, directly or indirectly, to Johnny. He got us started. He convinced us to not be deterred by up hills or down hills or subfreezing temperatures and to get outside and enjoy a sport that requires nothing more than a pair of narrow skis and poles, a bit of wax, and a love of using your own power to glide silently over the snow.

Johnny has a way with words, and the Rutland Herald article captures a bit of it. He is dry wit who doesn't suffer fools easily, a fiercely loyal Vermonter who I think it is fair to assume finds a lot to like in the words of Robert Frost, whose poem ''New Hampshire,'' a long poem that compares the people, geography, and traditions of various States, ends with these lines:

''Well, if I have to choose one or the other,
I choose to be a plain New Hampshire farmer
With an income in cash of, say, a thousand
(From, say, a publisher in New York City).
It's restful to arrive at a decision,
And restful just to think about New Hampshire.
At present I am living in Vermont.''

There is a lot more I could say about John Caldwell, who besides coaching and writing about skiing, among other things taught mathematics for 35 year at the Putney School, has been a longtime gardener and wood splitter and for years was a tireless maker of maple syrup.

But most important are his personal qualities: a devoted husband to his wife, Hester, affectionately known to everyone as ''Hep,'' who he first met at the Putney School 75 years ago; a role model for his children and grandchildren in good times and sad times; an inspiration to everyone who puts on boots and skis and propels themselves forward in all kinds of weather; and an octogenarian who will be out on skis for years to come, even if it is just to cheer on others a fraction his age, who has contributed in exceptional and lasting ways to the sport of skiing, to the Putney community, to Vermont, and to this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Feb. 23, 2014]

VT. SKI PIONEER SUSTAINS OLYMPIC SPIRIT

(By Kevin O'Connor)

John Caldwell, the Vermonter who literally wrote the book on cross-country skiing 50 years ago—his trailblazing 1964 how-to guide reaped the Boston Globe rave ''the bible of the sport''—stopped writing updated editions after the eighth a quarter-century ago. Now 85, he's entitled to sleep in.

But the man considered the father of U.S. Nordic is also the grandfather of 2014 Olympian Sophie Caldwell, 23, of the Green Mountain town of Peru. That's why he has risen the past two weeks before dawn to watch the third generation of his family compete in the Winter Games.

''Despite what the governor says, and he's a Putney boy, we don't have high-speed Internet here,'' says Caldwell, who has been waking in the town he shares with Peter Shumlin as early as 4 a.m., then driving to his nephew's ski shop down the road to watch live online races from Sochi.

So much has changed since Caldwell himself competed in the 1952 Olympics, where a lack of television coverage required family and friends seeking results to await the newspaper the next day.

''That was back in the dark ages,'' he says only half-jokingly. ''When I was racing, nobody knew much about cross-country, and people hardly knew we were there. Everything is much, much better than it used to be. All this ease of communication has helped.''

Caldwell has helped, too—by turning his lowest point of adversity into a lifetime of achievement.

Some Vermonters may remember his Oslo Winter Games as the ones where Rutlander Andrea Mead Lawrence became the only U.S. woman to win two skiing gold medals. But while the late female legend experienced the thrill of victory, Caldwell felt the agony of defeat.

''I was on the combined team—cross-country and ski jumping—but I was poorly prepared.''

Born in Detroit in 1928, Caldwell had moved to Putney with his family in 1941. When his high school needed a cross-country racer for the 1946 state championships, he strapped on his sister's wooden alpine skis. Continuing on to Dartmouth College, he borrowed his coach's slats before the school bought him a pair.

Caldwell tried out and made the 1952 Olympic team. But knowing little about proper training, he toured too many Norwegian bakeries beforehand. The onetime 145–pound athlete weighed 170 by the time he dressed for his event. But that wasn't why he needed help buttoning his shirt—his shoulders ached from falling so often in practice.

The rest is history—just not Olympic history.

''That really inspired me to help better prepare athletes so they wouldn't be so flummoxed, overwhelmed and thoroughly thrashed.''

Caldwell started by coaching at his alma mater, the Putney School, where he worked with such up-and-coming skiers as Bill Koch, the first U.S. Nordic athlete to win an Olympic medal (silver in 1976). That, in turn, led him to help the American team in a succession of Winter Games.

Off the job, Caldwell befriended Brattleboro publishers Stephen and Janet Greene.

''They said, 'Are there any books on cross-country?' I said no.''

Soon there was one—his simply titled ''The Cross-Country Ski Book''—which he updated until its eighth and final edition in 1987.

Caldwell also nurtured the sport by helping found the New England Nordic Ski Association and by forging a family with his wife, Hep, and their four children: Tim competed in the Olympics in 1972, 1976, 1980 and 1984. Peter raced undefeated in college. Jennifer made the U.S. ski team. And Sverre coached the Americans in 1988 and fathered the latest generation of family champions, Sophie.

John Caldwell has been waking in the dark the past two weeks to drive to Putney's Caldwell Sport—owned by his nephew Zach, who's assisting U.S. skiers in Russia, and wife, Amy—to watch live Sochi races that, because of the time difference, have started as early as 4:15 a.m.

''I'm a Luddite,'' he says, ''but I emailed Sophie before the sprint and said, 'Go fast.' ''

Caldwell then cheered her sixth-place finish (the best U.S. women's Olympic cross-country result ever) before, a week later, she ended up eighth in the team sprint.

Seen the way skiers collapse after a race?

''I joke with them, 'Are you suffering?' I spell and say it 's-u-f-f-a-h.' It sounds masochistic, but that's the way it is. When you do it you hurt, but you feel great afterward—like when you stop hitting your head against the wall. All of us must be nuts, but it's a lifestyle, a culture.''

It's the same for the spectator back home.

''It takes me a long time to recover from these early mornings,'' the grandfather says.

Even so, after rising this past Wednesday before dawn, Caldwell still stayed up for his weekly 7 to 10 p.m. bridge game. Then on Saturday, he was set to watch grandson Patrick, a freshman at Dartmouth College, compete in the Eastern Intercollegiate Ski Association championships in Middlebury.

The grandfather of 10 still takes a turn himself. But the cross-country pioneer says he's going downhill fast—as an alpine season pass holder at Stratton.

''A guy who's 88 and I go over together. It's slow getting the strength back. I got a new hip in May and two new knees in October. I have a plastic heart valve and fake shoulder, too.''

So goes life. So much ''s-u-f-f-a-h-ing.'' So much satisfaction.

''I'm bionic—and still plugging along.''

TRIBUTE TO DR. ROBERT LARNER

Mr. LEAHY. Mr. President, those who call the Green Mountains home know that Vermonters value hard work and community in equal measure. The two often go hand in hand when individuals give back to the institutions and communities that played roles in their success. Today I am honored to recognize both an outstanding individual and an exceptional institution for their respective roles in supporting the future of medical excellence in Vermont.

Dr. Robert Larner and his wife, Helen, recently donated $66 million in a bequest to the University of Vermont, UVM, medical school, which has since been renamed in honor of the 1942 alumnus. The Robert Larner, M.D., College of Medicine at the University of Vermont will continue to provide a first-class medical education while encouraging groundbreaking research in the medical field, from cancer to infectious diseases, to neuroscience and beyond.

Born in Burlington's Old North End in 1918, Robert Larner is the youngest of seven children, and the only one among his siblings to go to college. He attended the University of Vermont after receiving a scholarship for winning a Statewide debate competition and finished his undergraduate studies in just 3 years. After completing college in 1939, he pursued his medical degree at the UVM College of Medicine and graduated in 1942. Dr. Larner then served in World War II before settling in southern California to establish his own medical practice.

Though he remained in California for many years, the Vermont native credits his home State's flagship university for providing the education he needed to succeed. To ensure that future generations also receive a similar experience, regardless of personal finances, Dr. Larner and his wife have made a number of generous contributions to his alma mater. For example, the Larner Scholars Program has created a culture of giving by encouraging alumni to support current and future medical students. In 2012, the Larners contributed $300,000 for the purchase of five cardiopulmonary simulators for the UVM/Fletcher Allen Clinical Simulation Laboratory. These are just some of the contributions that in 2013 led the university to recognize Dr. Larner with the UVM Lifetime Achievement in Philanthropy Award.

It is through the generosity of Vermonters like Dr. and Mrs. Larner that ensure bright futures for Vermont's students and the patients they ultimately will serve. Combined with the excellent education offered by the University of Vermont, the Larners' contributions create opportunities for first-class physicians and researchers who will undoubtedly go on to transform the medical field.

RECOGNIZING CONCEPT2 OF MORRISVILLE, VERMONT

Mr. LEAHY. Mr. President, Vermont's business landscape boasts dozens of cutting-edge startups and successful small ventures. True to this entrepreneurial and independent spirit found throughout the Green Mountains, Concept2, based in Morrisville, VT, has once again put our small, rural State on the world stage.

Concept2 is a manufacturer of rowing equipment, founded in 1976 by two brothers, Dick and Pete Dreissigacker, dedicated to the sport of rowing. There, they first designed and started selling composite racing oars. Many years and many innovative models later, these Concept2 products have become an integral presence in the rowing community and have unmistakably changed an international sport.

Propelled by these lightweight, Vermont-crafted Concept2 oars and sculls, 32 Olympic rowing teams recently brought home medals in the summer 2016 Olympic Games regatta in Rio de Janeiro. Bob Beeman of Morrisville was sent to Rio as a representative and on-site technician for Concept2. As a trusted and true employee, Beeman, too, was recognized with a medal and certificate from the International Olympic Committee for Concept2's continuous and fair support of the athletes and their equipment.

With a nod to Vermont's core values of ethical business standards and giving back to our communities, the mission of Concept2 is to support the international rowing community and create equal opportunity for all. Regardless of nation or team flag, the crew has worked with rowing teams from around the world to combine Concept2 technology with human skill and training. Characterized by honesty, fairness, and integrity, these values of Concept2 embody the true Olympic spirit to level the playing field and allow the best team to win. As Vermonters, we are proud to see such a passionate and committed company rise to the global platform and help

athletes accomplish their Olympic dreams.

My grandson, Roan, and I still talk of our visit to Concept2 when he was on his high school rowing team.

Mr. President, I ask unanimous consent that the September 2, 2016, article, ''Concept2 Oars Used in Majority of Olympic Rowing Wins,'' from the Stowe Reporter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Stowe Reporter, September 2, 2016]

CONCEPT2 OARS USED IN MAJORITY OF OLYMPIC ROWING WINS

(By Kayla Friedrich)

With the help of Concept2 oars and sculls, 32 rowing crews—76 percent of all medal-winning crews at the Olympic regatta—were able to step onto the platform in Rio de Janeiro to receive their awards this year.

Nine of those medals were gold.

Concept2 is one of the world's most prominent manufacturers of lightweight oars. They're built by former U.S. Olympian Dick Dreissigacker and his brother Pete in Morrisville.

The company also produces an indoor rowing machine, and all of the athletes have trained on the Concept2 Indoor Rower to build their fitness to Olympic caliber.

The company produces 80 to 90 percent of the world's market of competition oars, and it sends an accredited technician—Bob Beeman of Morrisville—to the Olympics to make any equipment repairs the athletes need.

Sometimes oars are damaged in transit, practice or a race, and Beeman is able to provide replacement parts and adjustments if requested.

Thanks to his decades of work at the company, Beeman became a five-time Olympian this year, not competing, but helping teams—regardless of what country they represent.

''Everything we do is free of charge,'' Beeman said. ''It's all part of the service when using Concept2 oars.

''Some of the athletes look at me like I'm Santa Claus. There are 70 countries in rowing, and we try to even the playing field. One team didn't have good oars to use at the Olympics, so we lent some out.''

Beeman has been the on-site technician for Concept2 at the Atlanta Olympics in 1996; Sydney, Australia, in 2000; Beijing, China, in 2008; London in 2012; and now Rio.

As a result, he's known some of the athletes for many years.

''Athletes want to know that there is nothing wrong with their equipment, and they rely on me. It makes me so proud,'' Beeman said.

U.S. rower Gevvie Stone was at the Concept2 tent every day, not because she needed repairs, but because it gave her a place to relax. Beeman said Stone's father thanked him profusely. Stone took silver in the women's single sculls using Concept2 oars.

Beeman also was able to wear a gold medal at this year's events. The gold-medal winning team from New Zealand, Eric Murray and Hamish Bond, returned to the tent following their men's pair final. Murray took off his gold medal and placed it over Beeman's head for a photo-op.

''Just to be around this level of athlete is amazing,'' Beeman said. ''They train daily, many of them two or three times a day at a few hours each time. They train like that not just for months, but for years.''

For Beeman, Rio was the best of the five Olympics that he has been to. Everything worked well logistically, there were over 200 volunteers assisting at the rowing venue, and he had a chance to watch some of the other events, including water polo and table tennis.

''It was great to be right in the middle of it all,'' Beeman said.

This was also the first Olympics at which Beeman was officially recognized for his work. Even a senior adviser thanked him, and ''that was a big deal,'' he said.

Before leaving Brazil, Beeman received a thank-you medal and a certificate from the International Olympic Committee for Concept2's support of the athletes and their equipment.

The next Summer Olympics will be in Tokyo in 2020, and Beeman looks forward to being a rowing-equipment technician for the sixth time.

''I'm also super excited to go to some of the other international regattas,'' Beeman said. ''One is in Serbia this year, and Switzerland. The World Rowing Championships will be in Florida.''

NATIONAL PARK SERVICE CENTENNIAL

Mr. CARDIN. Mr. President, American historian and author Wallace Stegner called our national parks ''the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst.'' The National Park Service turned 100 on August 25, 2016. I wish to celebrate a century of recreation, conservation, and historic preservation programs.

Congress created the agency in 1916 for the specific purpose of caring for America's special places. The National Park Service was given the responsibility not only to conserve and protect parks, but also to leave them ''unimpaired for the enjoyment of future generations.'' The job got bigger as parks expanded in number and type. In the 1930s, military parks and national monuments were added. Then came national parkways and seashores, followed by urban parks in the 1960s. During the next decade, the National Park System nearly doubled with the addition of 47 million acres in Alaska.

I am proud of the national parks and programs in Maryland's backyard. Maryland is home to 18 national parks, which attract 6,443,376 visitors every year. This national park tourism generates $216,700,000 in economic benefit.

I am proud of the range of parks in the State, from national battlefields such as Antietam and Monocacy in western Maryland to Assateague Island National Seashore, which offers visitors sandy beaches, salt marshes, maritime forests, and coastal bays on the edge of the continent.

I am especially proud of the recently established Harriet Tubman Underground Railroad National Historic Park in Maryland's Dorchester, Caroline, and Talbot Counties. The vision for the Tubman National Historical Park is to preserve the places significant to the life of Harriet Tubman and tell her story through interpretive activities, while continuing to discover aspects of her life and the experiences of those who traveled on the Underground Railroad through continued historical and archaeological research and discovery.

Unfortunately, few of the structures associated with the early years of Harriet Tubman's life remain standing today. The landscape of the Eastern Shore of Maryland, however, is still evocative of the time when Harriet Tubman lived there. Farm fields and loblolly pine forests dot the lowland landscape, which is also notable for its extensive network of tidal rivers and wetlands that Tubman and the people she guided to freedom used under cover of night. If she were alive today, Ms. Tubman would recognize much of the landscape that she knew intimately as she secretly led freedom-seekers of all ages to the North. This park helps connect people today to America's history while establishing an important destination for tourists to come visit, learn, and experience Maryland's Eastern Shore.

For 7 years I worked with my colleagues, Senator MIKULSKI, Senator SCHUMER, Senator GILLIBRAND, and Senator Clinton to establish the first national historical park to honor an African American woman. Harriet Tubman is an extraordinary American, and Marylanders are extremely proud to have her as a native daughter. In 2014, I was so proud to finally get our legislation enacted, and I am pleased that development and planning for this park is well underway.

Only recently has the National Park Service begun establishing units dedicated to the lives of African Americans. Places such as Booker T. Washington National Monument on the campus of Tuskegee University in Alabama, the George Washington Carver National Monument in Missouri, the National Historic Trail commemorating the march for voting rights from Selma to Montgomery, and, most recently, the Martin Luther King, Jr., Memorial on the National Mall are all important monuments and places of historical significance that help tell the story of the African-American experience.

In a similar, overdue spirit, the Smithsonian's National Museum of African American History and Culture will be opening this Saturday. I attended the grand opening weekend of this extraordinary addition to the National Mall. The National Museum of African American History and Culture is the only national museum devoted exclusively to documenting African American life, history, and culture.

On August 25, 2006, the 90th anniversary of the National Park Service, then-Secretary of the Interior—and former Senator—Dirk Kempthorne launched the National Park Centennial Initiative to prepare national parks for another century of conservation, preservation, and enjoyment. Since then, the National Park Service asked citizens, park partners, experts, and other

stakeholders what they envisioned for a second century of national parks. A nationwide series of more than 40 listening sessions produced more than 6,000 comments that helped to shape five centennial goals. The goals and overarching vision were presented to President Bush and to the American people in May 2007 in a report, ''The Future of America's National Parks.''

Continued and better stewardship was one of the five goals.

We must be better stewards of national parks when it comes to clean water. More than one-half of our 407 national parks have waterways deemed ''impaired'' under the Clean Water Act and in need of attention. These are parks whose local domestic water supply and protected natural resources are dependent upon and often affected by the quality of surface water flowing into and through their respective designated boundaries.

As stewards, we must carry out our responsibilities with respect to clean water. I am particularly sensitive to this responsibility. One hundred thousand streams and rivers, as well as thousands of acres of wetlands, provide the freshwater that flows into the Chesapeake Bay. Restoration of the Chesapeake Bay watershed is managed by the Chesapeake Bay Program, in which the National Park Service serves as a Federal agency partner. In order for our restoration efforts to succeed, we must ensure clean water flows in the streams that lead into the Chesapeake Bay.

Our national parks are our legacy to the next generation; conserving them is our shared responsibility. The 2016 centennial of our parks is a prime opportunity for renewing this commitment.

75TH ANNIVERSARY OF THE USO

Mr. KIRK. Mr. President, I would like to honor the United Service Organizations, USO, and especially the USO of Illinois, as they celebrate their 75th anniversary of keeping servicemembers connected to their family, home, and country throughout their service to the Nation.

Since 1941, the USO has been the Nation's leading organization to serve our military men and women and their families. The USO has continuously adapted to the needs of our servicemembers and their families as they have provided support from the moment servicemembers join the military, through their assignments and deployments, and when they transition back to their communities.

USO centers are found throughout the world at airports and military installations, providing around-the-clock hospitality to service-members and their families. In addition to supporting servicemembers and their families at home, the USO has a tradition of bringing American entertainment and music to our troops overseas.

The USO of Illinois touches the lives of over 330,000 Active-Duty, Guard, and Reserve military servicemembers and their families throughout the State. The USO of Illinois provides over 300 programs and services throughout the year to enhance the quality of life for our servicemembers and their families, including family support events like tickets to the theatre or sporting events, programs designed for military children, prepare care packages for Illinois servicemembers deployed abroad, and providing support and appreciation at homecomings and deployments at airports. The USO of Illinois is a nonprofit organization relying on the generosity of individuals and corporations and hundreds of volunteers.

I congratulate and commend the USO and the USO of Illinois for their continued efforts to support Illinois' servicemembers, their families, and our veterans.

LYME DISEASE

Mr. KIRK. Mr. President, today I wish to discuss a serious threat my constituents face when they travel on one of the 270 trails, spread out over 700 miles, in Illinois. Unfortunately, hikers share these trails with bacteria-carrying ticks, which can infect travelers with a variety of diseases, including Lyme disease.

For those infected, Lyme disease manifests in multiple ways, including fever, fatigue, rashes, and severe pain. Current diagnostic tests are unreliable, causing many people with the condition to be misdiagnosed. Left untreated, it can lead to even more serious and debilitating illnesses.

According to the Centers for Disease Control and Prevention, or CDC, Lyme disease is the most commonly reported vector-borne illness in the country, with an estimated 300,000 people infected each year. The CDC also reports that the species of ticks that spread Lyme disease now live in 46 percent of the Nation's counties.

I commend Senators BLUMENTHAL and AYOTTE for introducing the Lyme and Tick-Borne Disease Prevention, Education, and Research Act, S. 1503, and I urge my colleagues to join me as a cosponsor of this critical bill. The legislation will better coordinate the Federal Government's response to tick-borne diseases by creating an advisory committee within the Department of Health and Human Services, or HHS, to be comprised of patients, physicians, researchers, and government officials who will be tasked with identifying best scientific practices to combat tick-borne diseases. The bill requires the HHS Secretary to strengthen disease surveillance and reporting, develop better diagnostic tests, create a physician-education program, and establish epidemiological research objectives for Lyme and other tick-borne illnesses.

The prevalence of Lyme and other tick-borne disease cases in recent years demands a strong and coordinated effort at the Federal level. Now is the time to pass this critical legislation.

TRIBUTE TO GROVER FUGATE

Mr. WHITEHOUSE. Mr. President, today I wish to honor the career of one of Rhode Island's most respected ocean and coastal experts, my friend Grover Fugate.

Grover has served as executive director of the Rhode Island Coastal Resources Management Council, CRMC, for nearly 30 years, protecting Rhode Island's coastal resources through research, regulation, and restoration.

One of the shining jewels of CRMC's work has been its innovative Special Area Management Plans, or SAMPs. These plans are ecosystem-based management strategies developed in collaboration with government agencies, municipalities, and other stakeholders to best manage coastal systems. During Mr. Fugate's tenure, the council has developed eight management plans, including the groundbreaking ocean SAMP, the first formally adopted ocean spatial plan in the country. The ocean SAMP guides future uses of Rhode Island's marine areas. In developing the plan, CRMC engaged a diverse group of stakeholders and laid the groundwork for cooperation among a multitude of regulatory agencies that led the way for the successful development of the Nation's first offshore wind farm off the coast of Rhode Island.

The council has also helped Rhode Island towns and residents understand the increasing effects of sea level rise and storm surge. Using the latest climate change predictions and state of the art modeling, CRMC, in cooperation with the University of Rhode Island and others, developed an online tool, STORMTOOLS, that gives anyone with an Internet connection free access to information that can be used to help decide everything from what neighborhood to buy a home in to where to site a new stormwater treatment plant. Mr. Fugate has been a key leader in establishing STORMTOOLS and educating decisionmakers about the realities of sea level rise and flooding.

In addition to his work for the Coastal Resources Management Council, Mr. Fugate serves as the State colead for the Northeast Regional Ocean Council's Ocean Planning initiative and the Northeast Regional Planning Body established under President Obama's 2010 Executive order. He also serves as adjunct faculty for the University of Rhode Island's marine affairs program and a guest lecturer of coastal and marine law at the Roger Williams University Law School.

Mr. Fugate has earned many awards for his work, including the 2010 Susan Snow-Cotter Award for Excellence in Ocean and Coastal Resource Management from the National Oceanic and Atmospheric Administration, the 2010 Regional Sea Grant Outstanding Outreach Award, the 2008 Coastal America Award for Habitat Restoration, and the 2008 Rhode Island Sea Grant Lifetime Achievement Award. He has authored numerous academic journal articles on coastal and natural resources management issues.

Mr. Fugate's work on the ocean SAMP and Northeast Regional Planning Body has placed Rhode Island at the forefront of ocean planning and offshore wind development. He is a leader with a passion and commitment to protecting ocean and coastal resources. His technical expertise, ability to foster good working relationships with key stakeholders, and talent for finding solutions within the existing regulatory framework are a few of the many reasons I wish today to recognize him.

TRIBUTE TO CURT SPALDING

Mr. WHITEHOUSE. Mr. President, today I wish to recognize a notable Rhode Islander. Curt Spalding, the outgoing Administrator for the U.S. Environmental Protection Agency's region 1, is retiring this year. Throughout his career, he has demonstrated a deep commitment to protecting our environment.

The iconic waters of New England are part of what make this region a very special place to live. Since taking the helm of EPA region 1 in 2009, Administrator Spalding has worked to bolster coastal resilience, clean our lakes and rivers, and improve New England communities through innovation and science. Among his priorities was renewing the region's focus on bettering stormwater pollution control, a particular concern for Rhode Island's coastal communities as they prepare for sea level rise and increased rainfall. His focus on stakeholder engagement led to EPA's first-ever, real-time water quality reporting tool, which relies on New England citizen scientists, professional researchers, and a myriad of other groups for data and outreach.

Administrator Spalding has routinely been a leader identifying innovative and cooperative solutions to difficult problems. He worked with Senator REED and me to establish the Southeastern New England Coastal Watershed Restoration Program, SNEP. SNEP, a collaboration between government agencies, researchers, and nongovernmental organizations, works to protect and restore coastal watersheds by addressing the excess nutrients and other pollutants that undermine water quality in the region. So far SNEP has made available over $12 million to improve coastal water quality, restore coastal ecosystems, and address nutrient pollution.

Administrator Spalding has also championed programs to clean the waters of Cape Cod and restore Lake Champlain, and his work in Boston Harbor is another national success story, turning one of the most toxic harbors in the country in the 1980s into one of the cleanest urban beaches in the Nation today.

Prior to serving with region 1, Administrator Spalding was the executive director of Rhode Island's Save the Bay for nearly two decades. While executive director, he oversaw construction of the Save the Bay Center at Fields Point in Providence, RI. The center, which won the Phoenix Award for brownfields redevelopment, transformed a former landfill into a landmark facility that provides classroom spaces for Save the Bay's educational programs and serves as a living example of the organization's approach to environmentally friendly shoreline development. Under his leadership, Save the Bay grew into a nationally recognized, 20,000-member environmental advocacy and education organization.

Administrator Spalding's passion for his work and the environment is obvious. His vision for a vibrant, resilient New England had shaped the great work of our region's environmental and coastal communities for the last three decades. I hope during his retirement Administrator Spalding finds the time to enjoy some of the very areas he has spent a career protecting.

Curt, my friend, may the wind always be at your back.

REMEMBERING BENJAMIN CHARLES STEELE

Mr. TESTER. Mr. President, I ask unanimous consent to have the statement I previously delivered about the life of Benjamin Charles Steele printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BENJAMIN CHARLES STEELE, BILLINGS, MT

I rise to honor the life of an exceptional Montanan and a true American hero, Benjamin Charles Steele. He passed away on Sunday, September 25 in Billings, surrounded by his loving family. He was 98.

Ben was born on November 17, 1917, in Roundup, MT. He was 22 when he enlisted in the Army Air Corps in Missoula, MT, on September 9, 1940. A year later, assigned to serve in the Philippines, he arrived in-country and was promptly handed a rifle and told: ''now you're in the infantry.'' Then, 10 hours after Pearl Harbor, the Japanese invaded the Philippines. A few weeks later, Ben's unit was ordered to the Bataan Peninsula. Soon after, Ben's unit was captured, and he and his fellow soldiers began the infamous Bataan Death March. Ben was a prisoner for 3.5 years and was sent to Japan where he did hard labor in the Japanese mines. He was liberated once the atomic bomb was dropped on Hiroshima, with Ground Zero less than 80 miles from Ben's coal mine.

Ben was discharged from the U.S. Air Force on July 10, 1946. After beginning his art career drawing on the concrete floor of a prison in the Philippines, Ben pursued a formal art education. In 1955, he received a master's degree in art from the University of Denver and then taught art at Montana State University-Billings.

Up until his final days, Ben continued to paint, even while fighting his final battle in a nursing home in Billings. Ben Steele never requested any acclaim for his service, but he deserves recognition for his incredible courage in the face of daunting odds.

Ben's life story and legacy will be forever remembered across Montana, and on the west end of Billings, a middle school is currently being constructed that will bear his name.

Ben is survived by his wife, Shirley, and their two daughters, Julie Jorgenson and Rosemarie Steele. He will be remembered by a grateful State and Nation for his brave service in our time of greatest need.

TRIBUTE TO MICHELE CRAIG

Mrs. CAPITO. Mr. President, I wish to recognize a dedicated public servant and advocate for the people of West Virginia, Michele P. Craig, on her retirement. Ms. Craig stepped down from her role as executive director of KYOVA Interstate Planning Commission and Region II Planning and Development Council on July 1. Her 30 years of service have benefited the State of West Virginia and the Huntington area.

Michelle received a bachelor's degree in economics from Queens College in Charlotte before completing graduate work at West Virginia University and American University. After beginning her career in Washington, she returned home after losing her father in the Marshall University plane crash of 1970 and began working in the family business. During this time, she also served in the West Virginia House of Delegates from 1973 through 1978.

In 1986, Michele went to work for Region II Planning and Development Council; within a year, she became executive director. During her tenure, Michele oversaw a staff that grew from 4 to 13 individuals, serving Cabell, Lincoln, Logan, Mason, Mingo, and Wayne Counties. I have had the pleasure of working with Michele and her staff on numerous projects benefiting the citizens of West Virginia. Her wealth of knowledge, professional expertise, and poise were integral to these accomplishments. My staff and I will miss Michele as she moves on, but she has left behind a strong foundation for the future.

Aside from her role as executive director, Michele has served her community through several organizations, including the Prestera Foundation, Ronald McDonald House, and Hospice of Huntington. She is also an avid reader, gardener, and world traveler. Michele is married to Thomas L. Craig, and together, they have three children.

I wish Michele all the best as she spends more time with her children and grandchildren, enjoying her favorite activities and continuing her philanthropic endeavors and service to the Huntington area. Throughout her career, she has made a positive difference in the lives of many West Virginians. It has been an honor working with her, and it is an honor to call her my friend and fellow West Virginian. I urge my colleagues to join me in honoring her service.

ADDITIONAL STATEMENTS

TRIBUTE TO WANDA DRAPER

• Mr. CARDIN. Mr. President, a fellow Baltimorean and dear friend of mine, Wanda Queen Draper, is retiring today

from WBAL-TV, where she has worked for the past 25 years. In a sense, Wanda and I grew up together professionally in a city we both love so much. But Wanda is not the ''retiring'' type so she is becoming the executive director of the Reginald F. Lewis Museum of Maryland African American History & Culture, an important part of Baltimore's history and culture that she helped to found.

Wanda joined the Hearst Corp. as a student correspondent at the Baltimore News American in 1968. She worked on the Sunday paper until 1973, when she graduated from the University of Maryland. Wanda spent the next 10 years as a reporter and local editor at the Baltimore Sun. She subsequently worked as an assignment manager and local show host at WJZ-TV, director of public affairs for the Governor's office, and director of community affairs for the National Aquarium in Baltimore. In 1991, she joined WBAL-TV as public affairs manager and was ultimately promoted to director of programming and public affairs, making her responsible for all of the station's programming.

Wanda has won numerous local and national awards over the years and has been cited by the National Association of Broadcasters for her outstanding achievements. In short, she has had a stellar career. But she is also very active in several community endeavors, and this is what I would like to highlight: her tireless dedication to the people of Baltimore, especially those who are less fortunate. Wanda serves on the boards of the WBAL Kids Campaign, St. Timothy's School, the Brigance Brigade Foundation, and Journey Home. The WBAL Kids Campaign is involved in many community events, the largest of which is the Coats for Kids program each fall. Wanda was able to partner with Burlington Coat Factory and has provided over 300,000 children with coats over the past 13 years. Over the last 3 years, with Wanda's help, the Brigance Brigade has provided services to more than 40,000 ALS survivors and has raised over $1.5 million. The Journey Home campaign supports the mayor's 10-year plan to end homelessness in Baltimore. Over the past 6 years, the campaign has assisted 2,000 people, and Wanda has helped to raise $6 million. For the past 8 years, she has been active in the St. Vincent DePaul Empty Bowls program, which has helped to feed 440,000 people and raised more than $2 million.

Ralph Waldo Emerson wrote: ''To laugh often and much; To win the respect of intelligent people and the affection of children; To earn the appreciation of honest critics and endure the betrayal of false friends; To appreciate beauty, to find the best in others; To leave the world a bit better, whether by a healthy child, a garden patch, or a redeemed social condition; To know even one life has breathed easier because you have lived. This is to have succeeded.''

By these measures, Wanda has been wildly successful. Wanda is married to Dr. Robert Draper and is surrounded by her wonderful family each and every day. But it seems that the residents of Baltimore are a part of her extended family, and she is determined that they will all ''breathe easier'' because of her efforts on their behalf. I ask my Senate colleagues to join me in thanking Wanda Draper for her extraordinary professional and personal commitment to the people and city of Baltimore and congratulating her as she moves on to her next great endeavor.●

200TH ANNIVERSARY OF THE FOUNDING OF BALTIMORE GAS AND ELECTRIC

● Mr. CARDIN. Mr. President, I would like to take this opportunity to congratulate Baltimore Gas and Electric, BGE, which celebrated its 200th anniversary earlier this year. BGE, headquartered in Baltimore, is Maryland's largest natural gas and electric utility, delivering power to more than 1.25 million electric customers and more than 650,000 natural gas customers in central Maryland. BGE's electric service territory is approximately 2,300 square miles, including Baltimore city and all or part of Anne Arundel, Baltimore, Calvert, Carroll, Harford, Howard, Montgomery, and Prince George's Counties. BGE's gas service territory is approximately 800 square miles, including Baltimore city and all or part of Anne Arundel, Baltimore, Carroll, Cecil, Frederick, Harford, Howard, Montgomery, and Prince George's Counties. The company employs approximately 3,200 people.

BGE was founded on June 17, 1816, and has the distinction of being the Nation's first and oldest gas distribution company. BGE's rich heritage is intertwined with the city of Baltimore, dating back to the days of acclaimed American portrait painter and museum keeper Rembrandt Peale when he lit the first gas lamps at his museum on Holiday Street, which made quite an impression. Peale envisioned lighting the streets of Baltimore and held an important gas lighting patent. With some business associates, he incorporated BGE, originally known as the Gas and Light Company of Baltimore. Baltimore's first gas street lamps were lit on February 1817, which was 64 years before Baltimore's first electric companies appeared in the city.

In 1906, the Consolidated Gas and Electric Light and Power Company was formed through a series of mergers, operating until 1955 when it was renamed Baltimore Gas and Electric; today it is proudly known as BGE and supports 10,000 direct and indirect jobs in Maryland and contributes almost $4 billion to the region's economy each year.

The company and its employees have a long history of investing in the community and continue to strengthen that commitment by supporting more than 260 nonprofit organizations each year through charitable contributions and volunteer hours. The company also is a leader in promoting energy efficiency through a variety of means. I was proud to help secure a ''smart grid'' stimulus grant in 2009, which was instrumental in helping BGE install 2 million electric and gas smart meter devices throughout central Maryland. Today the company continues to help its customers take more control of their energy supply and management, and it will keep working with its customers and communities to promote clean energy resources while delivering energy in a safe, reliable, and clean manner.

I would like to ask my Senate colleagues to join me in congratulating BGE on its 200th anniversary and thanking the dedicated employees, customers, businesses, and communities who helped BGE to achieve this milestone.●

TRIBUTE TO MASTER GUNNERY SERGEANT JULIUS D. SPAIN, SR.

● Mr. ISAKSON. Mr. President, today I wish to recognize MGySgt Julius D. Spain, Sr., U.S. Marine Corps, on the occasion of his retirement following 26 years of service in the Marine Corps.

A native of Conway, SC, Julius entered the Marine Corps in August 1990 as a recruit at Parris Island, SC. In the years after completing school there, Julius received several promotions, as well as orders to many assignments within the Marine Corps, including being deployed to combat operations in support of Operation Iraqi Freedom in 2002 and reporting to the U.S. delegation to the North Military Committee, Joint Staff, NATO Headquarters, Brussels, Belgium, in 2004, where Julius provided administrative and operational support for the U.S. Ambassador to NATO, Secretary of State, Secretary of Defense, and the President of the United States.

In 2010, Julius was selected as one of two staff noncommissioned officers in the Marine Corps to participate in the 2011 Congressional Fellowship Program on Capitol Hill. I met Julius in January 2011, when he began a 12-month stint in my Senate office as my defense fellow. During that year, he assisted on numerous military issues and was an excellent representative of the Marine Corps. Julius also was selected for promotion to the rank of master gunnery sergeant during his time in my office.

Since leaving my Senate office, Julius has served as the senior enlisted legislative adviser for the Marine Corps Office of Legislative Affairs and later as a special senior enlisted detailee with the Department of Defense Office of the Inspector General. He will retire from this detailee position this month.

MGySgt Julius Spain is married to the former Adriana Contreras of Houston, TX, and she is a Marine Corps veteran herself. They have three children: Monique, 22; Julius, Jr., 21; and Leana, 17. I wish the entire Spain family fair

winds and following seas as they enter this new phase of their lives together. Thank you all for your commitment to our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill with an amendment and an amendment to the title, in which it requests the concurrence of the Senate: S. 2754. An act to designate the Federal building and United States courthouse located at 300 Fannin Street in Shreveport, Louisiana, as the ''Tom Stagg Federal Building and United States Courthouse''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 845. An act to direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

H.R. 1877. An act to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs.

H.R. 3216. An act to amend title 38, United States Code, to clarify the emergency hospital care furnished by the Secretary of Veterans Affairs to certain veterans.

H.R. 3537. An act to amend the Controlled Substances Act to add certain synthetic substances to schedule I, and for other purposes.

H.R. 3779. An act to restrict the inclusion of social security account numbers on documents sent by mail by the Federal Government, and for other purposes.

H.R. 5162. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to disclose to non-Department of Veterans Affairs health care providers certain medical records of veterans who receive health care from such providers.

H.R. 5346. An act to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes.

H.R. 5392. An act to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

H.R. 5459. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes.

H.R. 5460. An act to amend the Homeland Security Act of 2002 to establish a review process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes.

H.R. 5509. An act to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Dr. Otis Bowen Veterans House''.

H.R. 5873. An act to designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the ''R.E. Thomason Federal Building and United States Courthouse''.

H.R. 5883. An act to amend the Packers and Stockyards Act, 1921, to clarify the duties relating to services furnished in connection with the buying or selling of livestock in commerce through online, video, or other electronic methods, and for other purposes.

H.R. 5943. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes.

H.R. 5978. An act to amend title 14, United States Code, to clarify the functions of the Chief Acquisition Officer of the Coast Guard, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1877. An act to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3216. An act to amend title 38, United States Code, to clarify the emergency hospital care furnished by the Secretary of Veterans Affairs to certain veterans; to the Committee on Veterans' Affairs.

H.R. 3537. An act to amend the Controlled Substances Act to add certain synthetic substances to Schedule I, and for other purposes; to the Committee on the Judiciary.

H.R. 3779. An act to restrict the inclusion of social security account numbers on documents sent by mail by the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5162. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to disclose to non-Department of Veterans Affairs health care providers certain medical records of veterans who receive health care from such providers; to the Committee on Veterans' Affairs.

H.R. 5346. An act to amend the Homeland Security Act of 2002 to make the Assistant Secretary of Homeland Security for Health Affairs responsible for coordinating the efforts of the Department of Homeland Security related to food, agriculture, and veterinary defense against terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5459. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5460. An act to amend the Homeland Security Act of 2002 to establish a review process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5509. An act to name the Department of Veterans Affairs temporary lodging facility in Indianapolis, Indiana, as the ''Dr. Otis Bowen Veteran House''; to the Committee on Veterans' Affairs.

H.R. 5873. An act to designate the Federal building and United States courthouse located at 511 East San Antonio Avenue in El Paso, Texas, as the ''R.E. Thomason Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

H.R. 5978. An act to amend title 14, United States Code, to clarify the functions of the Chief Acquisition Officer of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5963. An act to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2966. A bill to update the financial disclosure requirements for judges of the District of Columbia courts, and to make other improvements to the District of Columbia courts (Rept. No. 114–359).

S. 2968. A bill to reauthorize the Office of Special Counsel, and for other purposes (Rept. No. 114–360).

S. 2975. A bill to provide agencies with discretion in securing information technology and information systems (Rept. No. 114–361).

By Mr. BARRASSO, from the Committee on Indian Affairs, without amendment:

S. 2421. A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes (Rept. No. 114–362).

By Mr. BARRASSO, from the Committee on Indian Affairs, with amendments:

S. 2959. A bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund (Rept. No. 114–363).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 2607. A bill to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things (Rept. No. 114–364).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3183. A bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. McCAIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. John F. Thompson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Robert D. McMurry, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Reynold N. Hoover, to be Lieutenant General.

Mr. McCAIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators .

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Scott E. Williams, to be Colonel.

Air Force nomination of John D. Cinnamon, to be Colonel.

Air Force nomination of Alfred G. Traylor II, to be Major.

Air Force nomination of Mark C. Anarumo, to be Colonel.

Air Force nomination of Steven C. M. Hasstedt, to be Colonel.

Army nomination of Karl E. Nell, to be Colonel.

Army nomination of Todd D. Wolford, to be Colonel.

Army nomination of Lance L. Jelks, to be Major.

Army nomination of Matthew A. Levine, to be Lieutenant Colonel.

Army nomination of Daniel J. Donovan, to be Colonel.

Army nomination of Donna A. McDermott, to be Colonel.

Navy nominations beginning with Jordan M. Adler and ending with Richard C. Wong, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with John A. Allen and ending with Timberon C. Vanzant, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Christopher D. Ayala and ending with Andrew S. West, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Francis B. Carnaby and ending with Rebecca I. Summers, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Benjamin R. Addison and ending with Russell P. Wolfkiel, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Joshua C. Alcazar and ending with Jui I. Yang, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Silas O. Carpenter and ending with Christopher E. Wells, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Galo A. Cavalcanti and ending with Audra M. Vance, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Christopher T. Abplanalp and ending with Ryan E. Zyvith, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Steven M. Arbogast and ending with Joseph M. Stark, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Dorian R. Acker and ending with Jason York, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

Navy nominations beginning with Michael A. Ammendola and ending with Michael B. Zimet, which nominations were received by the Senate and appeared in the Congressional Record on September 22, 2016.

By Mr. CORKER for the Committee on Foreign Relations.

*Rena Bitter, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nominee: Rena Bitter.

Post: Laos.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $100, 2012, Barak Obama; $500, 2015, Hillary Clinton.

2. Spouse: NA.

3. Children and Spouses: NA.

4. Parents: Herbert and Frieda Bitter—deceased.

5. Grandparents: Sylvia and Joseph Bitter—deceased; Sima and Morris Schuman—deceased.

6. Brothers and Spouses: Mitchell Bitter, $200, 2012, Obama; $200, last race, Udall; $200, last race, Bennett; $200, last race, Romanoff.

7. Sisters and Spouses: Eileen and Mark Rosenzweig, $250, 2012, Obama; $100, 2012, DSCC; $35, 2012, Obama; $100, 2012, Obama; $100, 2012, DCCC; $250, 2012, Obama; $300, 2012, Obama; $54.44, 2012, DSCC.

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*Sung Y. Kim, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

Nominee: Sung Y. Kim.

Post: Manila.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: none.

6. Brothers and Spouses: Joon Y. Kim, 1875.00, Sept 2014, Squire Patton Boggs Political Action Committee.

7. Sisters and Spouses: none.

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*Andrew Robert Young, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Andrew Robert Young.

Post: Burkina Faso.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $300, 08/01/2012*, Jennifer Roberts for Congress.

2. Spouse: Margaret Hawley-Young: none.

3. Children and Spouses: Nathan Young: none; Claire Young: none.

4. Parents: Robert Richard Young—deceased; Joyce Joann Young, none.

5. Grandparents: Lowell Hulsebus—deceased; Betty Hulsebus—deceased; Odile Davis Young—deceased; Richard Young—deceased.

6. Brothers and Spouses: Daren Scott Young—deceased; Jonathan Richard Young, none; Blair Benton Young, none.

7. Sisters and Spouses: Danee Suzanne Young: $500, 03/27/2016, Sanders, Bernard via Bernie 2016; $1,000, 09/19/2012, Sen. Harry Reid via Friends for Harry Reid; $1,000, 10/06/2012, Chris Murphy via Friends of Chris Murphy; $1,000, 09/19/2012, Sen Claire McCaskill McCaskill for Missouri; $500, 10/18/2010, Friends for Harry Reid; $500, 09/21/2006, Democratic Senatorial Campaign Committee; $250, 06/30/2004, Joseph Hoeffell for Senate Committee; $250, 06/29/2004, Paul Babbitt for Congress; $250, 06/29/2004, Lois Murphy for Congress; $250, 06/29/2004, Patty Wetterling for Congress; $1,000, 03/08/2004, John Kerry for President Inc.

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*W. Stuart Symington, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: W. Stuart Symington.

Post: Abuja, Nigeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: $500.00, 12/2011, Klobuchar for Minn.

3. Children and Spouses: Daughter: Jane W. Symington: $50.00, 9/2012, Obama for America. Jessen Wabeke (husband): none. Son: W. Stuart Symington VI: $116.00, 08/25/2015, Hillary for America; $25.00, 03/14/2016, Hillary for America; $20.00, 05/05/2016, Hillary for America; $100.00, 06/15/2016, Hillary Victory Fund.

4. Parents: Stuart Symington Jr.: $250.00, 12/31/2011, Klobuchar for Minn.; $250.00, 07/10/2012, McCaskill for Mo.; Janey B. Symington: $250.00, 12/31/2011, Klobuchar for Minn.; $250.00, 07/10/2012, McCaskill for Mo.

5. Grandparents: Stuart Symington—deceased; Evelyn Wadsworth Symington—deceased; Jane Sante Studt—deceased; Sidney M. Studt—deceased.

6. Brothers and Spouses: Sidney S. Symington, none; John Sante Symington, Margaret Symington (spouse), $1,000.00, 12/29/2011, Klobuchar for Minn.; $1,000.00, 05/21/2012, Klobuchar for Minn.; $100.00, 09/10/2012, Obama for America; $100.00, 09/10/2012, Democratic

Senate Campaign Comm.; $50.00, 12/18/2013, Mark Pryor for Alaska; $150.00, 05/09/2014, DSCC; $100.00, 07/11/2015, Hillary for America; $100.00, 07/11/2015, DSCC; $150.00, 02/16/2016, Hillary Victory Fund.

7. Sisters and Spouses: Anne Wadsworth Symington—deceased.

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*Joseph R. Donovan Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Nominee: Joseph R. Donovan Jr.

Post: Jakarta, Indonesia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Mei Chou Donovan: none.

3. Children and Spouses: James R. Donovan: none. Matthew W. Donovan: none.

4. Parents: Joseph R. Donovan: none; Mary Helen Donovan—deceased.

5. Grandparents: James C. Donovan—deceased; Margaret Donovan—deceased; Arthur Priest—deceased; Mary Priest—deceased.

6. Brothers and Spouses: David A. Donovan, none; Julia Downey, none.

7. Sisters and Spouses: Marianne Donovan, none.

*Christopher Coons, of Delaware, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

*Ronald H. Johnson, of Wisconsin, to be Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators .

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Diana Isabel Acosta and ending with Elisa Joelle Zogbi, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016. (minus 4 nominees: Michael Ashkouri; Omar Robles; Steven James Rynecki; Ethan N. Takahashi)

*Foreign Service nominations beginning with Jennisa Paredes and ending with Jamoral Twine, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2016. (minus 1 nominee: Edward Peay)

*Foreign Service nominations beginning with Jorge A. Abudei and ending with Deborah Kay Jones, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016. (minus 1 nominee: Leslie L. Johnson)

*Foreign Service nominations beginning with John Robert Adams and ending with David M. Zwick, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2016.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Ms. HEITKAMP):

S. 3395. A bill to require limitations on prescribed burns; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 3396. A bill to require an Air Force report on perfluorooctanoic acid (PFOA) and perfluorooctane sulfonates (PFOS) contamination at certain military installations and require reparation for identified contaminated sites and affected areas; to the Committee on Armed Services.

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. GARDNER):

S. 3397. A bill to encourage visits between the United States and Taiwan at all levels, and for other purposes; to the Committee on Foreign Relations.

By Mr. RUBIO:

S. 3398. A bill to reform the inspection process of housing assisted by the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KIRK (for himself and Mr. ENZI):

S. 3399. A bill to amend the Higher Education Act of 1965 to require the disclosure of the annual percentage rates applicable to Federal student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY:

S. 3400. A bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 3401. A bill to amend title 38, United States Code, to consolidate and expand the provision of health care to veterans through non-Department of Veterans Affairs health care providers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAINES (for himself, Mr. NELSON, and Ms. KLOBUCHAR):

S. 3402. A bill to protect consumers from deceptive practices with respect to online booking of hotel reservations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN (for himself and Mr. TESTER):

S. 3403. A bill to authorize payment by the Department of Veterans Affairs for the costs associated with service by medical residents and interns at facilities operated by Indian tribes, tribal organizations, and the Indian Health Service, to require the Secretary of Veterans Affairs to carry out a pilot program to expand medical residencies and internships at such facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROUNDS (for himself, Mr. WARNER, Mr. SCHUMER, Mr. TESTER, Mr. KIRK, Ms. HEITKAMP, Mr. SCOTT, Mr. MORAN, Mr. VITTER, and Mr. DONNELLY):

S. 3404. A bill to amend the Federal Deposit Insurance Act to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2B liquid assets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DAINES (for himself and Mrs. CAPITO):

S. 3405. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOOKER (for himself and Mr. HATCH):

S. Res. 580. A resolution supporting the establishment of a President's Youth Council; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. LEAHY, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 581. A resolution prohibiting the Senate from adjourning, recessing, or convening in a pro forma session unless the Senate has provided a hearing and a vote on the pending nomination to the position of justice of the Supreme Court of the United States; to the Committee on Rules and Administration.

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 582. A resolution recognizing and honoring the life of Jose Fernandez; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 248

At the request of Mr. MORAN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 248, a bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 386

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 386, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 540

At the request of Ms. HEITKAMP, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. 540, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1085, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 1127

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1127, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 1509

At the request of Mr. CARPER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1509, a bill to amend title XVIII of the Social Security Act to provide for the coordination of programs to prevent and treat obesity, and for other purposes.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1562

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 1991

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1991, a bill to eliminate the sunset date for the Choice Program of the Department of Veterans Affairs, to expand eligibility for such program, and for other purposes.

S. 2175

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2175, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 2598

At the request of Ms. WARREN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2598, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 2680

At the request of Mr. ALEXANDER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2680, a bill to amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

S. 2795

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 2795, a bill to modernize the regulation of nuclear energy.

S. 3026

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3026, a bill to amend the Communications Act of 1934 to expand and clarify the prohibition on inaccurate caller identification information and to require providers of telephone service to offer technology to subscribers to reduce the incidence of unwanted telephone calls, and for other purposes.

S. 3065

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3065, a bill to amend parts B and E of title IV of the Social Security Act to invest in funding prevention and family services to help keep children safe and supported at home, to ensure that children in foster care are placed in the least restrictive, most family-like, and appropriate settings, and for other purposes.

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3065, supra.

S. 3111

At the request of Mr. PORTMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 3111, a bill to amend the Internal Revenue Code of 1986 to extend the 7.5 percent threshold for the medical expense deduction for individuals age 65 or older.

S. 3153

At the request of Mr. ROUNDS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 3153, a bill to require the Federal financial institutions regulatory agencies to take risk profiles and business models of institutions into account when taking regulatory actions, and for other purposes.

S. 3183

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 3183, a bill to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

S. 3198

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 3198, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 3292

At the request of Mr. PORTMAN, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3292, a bill to amend the Tariff Act of 1930 to make the Postmaster General the importer of record for the non-letter class mail and to require the provision of advance electronic information about shipments of non-letter class mail to U.S. Customs and Border Protection, and for other purposes.

S. 3304

At the request of Mr. THUNE, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Iowa (Mrs. ERNST), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 3304, a bill to direct the Secretary of Veterans Affairs to improve the Veterans Crisis Line.

S. 3311

At the request of Mr. SASSE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3311, a bill to amend the Internal Revenue Code of 1986 to exempt individuals whose health plans under the Consumer Operated and Oriented Plan program have been terminated from the individual mandate penalty.

S. 3346

At the request of Mr. CRUZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3346, a bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

S. CON. RES. 51

At the request of Mr. GRASSLEY, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 51, a concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have been exposed to the toxin Agent Orange and should be eligible for all related Federal benefits that come with such presumption under the Agent Orange Act of 1991.

S. RES. 527

At the request of Mr. UDALL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

Res. 527, a resolution recognizing the 75th anniversary of the opening of the National Gallery of Art.

S. RES. 553

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 553, a resolution expressing the sense of the Senate on the challenges the conflict in Syria poses to long-term stability and prosperity in Lebanon.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES (for himself, Mr. NELSON, and Ms. KLOBUCHAR):

S. 3402. A bill to protect consumers from deceptive practices with respect to online booking of hotel reservations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DAINES. Mr. President, the travel and tourism industry plays a significant role in the U.S. economy. Travel and tourism contributed over $480 billion to the U.S. GDP last year. In Montana, tourism is one of our leading industries. Every year, visitors spend over $3 billion in our state which supports jobs and reduces taxes for Montana residents.

The development of the online marketplace has made it easier than ever for travelers to do research, plan trips, and make reservations online. Online platforms allow customers to compare thousands of brands in one place. As a result, the number of hotel reservations made online has surged over the past several years. There are now up to 480 bookings every minute. As the number of online bookings has increased, there has also been an increase in the number of online booking scams.

Illegitimate reservation sellers pose as hotel websites, leading consumers to believe they are booking directly with the hotel, when in fact they are booking with an unrelated third party. Transactions on these sites can result in additional hidden fees, loss of expected loyalty points, or even confirmation of reservations that were never made. One study found that as many as 15 million bookings a year are affected by fraudulent websites.

That is why I am proud to introduce the Stop Online Booking Scams Act of 2016 with my colleague Senator NELSON. The bill requires third party sites to disclose that they are not affiliated with the hotel, providing clarity and transparency to consumers booking online. It also empowers state attorneys general to pursue cases on behalf of consumers who have been scammed. Providing clear disclosures that reveal the true identity of websites will give confidence to the millions of consumers who make reservations online every year. I ask my colleagues to join me in cosponsoring this much needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3402

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 ''Stop Online Booking Scams Act of 2016''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The Internet has become an important channel of commerce in the United States, accounting for billions of dollars in retail sales every year.

(2) Hotel reservation transactions can be easily made online and online commerce has created a marketplace where consumers can shop for hotels, flights, car rentals, and other travel-related services and products across thousands of brands on a single platform.

(3) Consumers should have the utmost clarity as to the company with which such consumers are transacting business online.

(4) Actions by third party sellers that misappropriate brand identity, trademark, or other marketing content are harmful to consumers.

(5) Platforms offered by online travel agencies provide consumers with a valuable tool for comparative shopping for hotels and should not be mistaken for the unlawful third-party actors that commit such misappropriation.

(6) The misleading and deceptive sales tactics companies use against customers booking hotel rooms online have resulted in the loss of sensitive financial and personal information, financial harm, and headache for consumers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consumers benefit from the ability to shop for travel-related services and products on the innovative platforms offered by online travel agencies;

(2) sellers on the Internet should provide consumers with clear, accurate information and such sellers should have an opportunity to compete fairly with one another; and

(3) the Federal Trade Commission should revise the Internet website of the Commission to make it easier for consumers and businesses to report complaints of deceptive practices with respect to online booking of hotel reservations.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFILIATION CONTRACT.—The term ''affiliation contract'' means, with respect to a hotel, a contract with the owner of the hotel, the entity that manages the hotel, or the franchisor of the hotel to provide online hotel reservation services for the hotel.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) EXHIBITION ORGANIZER OR MEETING PLANNER.—The term ''exhibition organizer or meeting planner'' means the person responsible for all aspects of planning, promoting, and producing a meeting, conference, event, or exhibition, including overseeing and arranging all hotel reservation plans and contracts for the meeting, conference, event, or exhibition.

(4) OFFICIAL HOUSING BUREAU.—The term ''official housing bureau'' means the organization designated by an exhibition organizer or meeting planner to provide hotel reservation services for meetings, conferences, events, or exhibitions.

(5) PARTY DIRECTLY AFFILIATED.—The term ''party directly affiliated'' means, with respect to a hotel, a person who has entered into an affiliation contract with the hotel.

(6) THIRD PARTY ONLINE HOTEL RESERVATION SELLER.—The term ''third party online hotel reservation seller'' means any person that—

(A) sells any good or service with respect to a hotel in a transaction effected on the Internet; and

(B) is not—

(i) a party directly affiliated with the hotel; or

(ii) an exhibition organizer or meeting planner or the official housing bureau for a meeting, conference, event, or exhibition held at the hotel.

SEC. 4. REQUIREMENTS FOR THIRD PARTY ONLINE HOTEL RESERVATION SELLERS.

(a) IN GENERAL.—It shall be unlawful for a third party online hotel reservation seller to charge or attempt to charge any consumer's credit card, debit card, bank account, or other financial account for any good or service sold in a transaction effected on the Internet with respect to a hotel unless the third party online hotel reservation seller—

(1) clearly and conspicuously discloses to the consumer all material terms of the transaction, including—

(A) before the conclusion of the transaction—

(i) a description of the good or service being offered; and

(ii) the cost of such good or service; and

(B) in a manner that is continuously visible to the consumer throughout the transaction process, the fact that the person is a third party online hotel reservation seller and is not—

(i) affiliated with the person who owns the hotel or provides the hotel services or accommodations; or

(ii) an exhibition organizer or meeting planner or the official housing bureau for a meeting, conference, event, or exhibition held at the hotel; or

(2) includes prominent and continuous disclosure of the brand identity of the third party online hotel reservation seller throughout the transaction process, both online and over the phone.

(b) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) by a person subject to such subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) RULEMAKING.—

(i) IN GENERAL.—The Commission may promulgate such rules as the Commission considers appropriate to enforce this section.

(ii) PROCEDURES.—The Commission shall carry out any rulemaking under clause (i) in accordance with section 553 of title 5, United States Code.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that

violates such subsection, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person subject to subsection (a).

(ii) CONTENTS.—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1) against a person described in subsection (d)(1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) STATE COORDINATION WITH FEDERAL TRADE COMMISSION.—If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State shall coordinate with the Commission before bringing a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(6) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

By Mr. DAINES (for himself and Mrs. CAPITO):

S. 3405. A bill to transfer certain items from the United States Munitions List to the Commerce Control List; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DAINES. Mr. President, for Montanans, gunsmithing goes hand-in-hand with hunting and sport shooting. Sometimes the difference between a successful hunt and an unfulfilled tag can be a needed modification on a rifle. Throughout Montana and across America, hundreds of thousands of gunsmiths make sure that our firearms are setup to our custom specifications. Many of these gunsmiths do so as a side project or hobby, making a little extra income in the process.

Recently, the Directorate of Defense Trade Controls, DDTC, issued guidance that changed the definition of a manufacturer under the International Traffic m Arms Regulations, ITAR, to be so broad that could include these gunsmiths and require them to register as manufacturers, which includes an annual $2,250 fee. ITAR was intended to control the production and exportation of products essential to our national security, such as those intended only for military use, but not to unnecessarily hinder American business and innovation or undermine the Second Amendment.

That is why I am proud to introduce the Export Control Reform Act of 2016 with my colleague Senator CAPITO. The bill transfers regulatory responsibility for common, domestic firearms and related items from the Department of State to the Commerce Department, to be regulated like any other commercial business—allowing small business to continue to serve hunters and sports shooters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3405

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 ''Export Control Reform Act of 2016''.

SEC. 2. EXPORT CONTROLS ON CERTAIN ITEMS.

(a) IN GENERAL.—Notwithstanding section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) or any other provision of law, all items described in subsection (b) that are on the United States Munitions List and controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) on the date of the enactment of this Act shall be transferred to the Commerce Control List of dual-use items in the Export Administration Regulations (15 C.F.R. part 730 et seq.).

(b) TRANSFERRED ITEMS.—The items referred to in subsection (a) are the following:

(1) Non-automatic and semi-automatic firearms, including all rifles, carbines, pistols, revolvers and shotguns.

(2) Non-automatic and non-semi-automatic rifles, carbines, revolvers, or pistols of a caliber greater than .50 inches (12.7 mm) up to and including .72 inches (18.0 mm).

(3) Ammunition for such firearms excluding caseless ammunition.

(4) Silencers, mufflers, and sound and flash suppressors.

(5) Rifle scopes.

(6) Barrels, cylinders, receivers (frames), or complete breech mechanisms.

(7) Related components, parts, accessories, attachments, tooling, and equipment for any articles listed in paragraphs (1) through (6).

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act and shall not apply to any export license issued before such effective date or to any export license application made under the United States Munitions List before such effective date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 580—SUPPORTING THE ESTABLISHMENT OF A PRESIDENT'S YOUTH COUNCIL

Mr. BOOKER (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 580

Now, therefore, be it

Resolved, That the Senate—

(1) supports the creation of a Federal youth advisory council, to be known as the Presidential Youth Council (referred to in this Act as the ''Council''), to be privately funded, which shall—

(A) advise the President on the creation and implementation of new Federal policies and programs that pertain to and affect American youth;

(B) provide recommendations on ways to make existing policies and programs that pertain to and affect American youth more efficient and effective, through investment from relevant bodies, for delivery of youth services nationwide; and

(C) carry out activities to solicit the unique views and perspectives of young people and bring those views and perspectives to the attention of the head of each department or agency of the Federal Government and Congress, as needed, or on a case-by-case basis; and

(2) recommends that the members of the President's Youth Council be composed of 24 young Americans—

(A) of which—

(i) four members shall be appointed by the President;

(ii) the Speaker of the House of Representatives shall appoint—

(I) if the Speaker belongs to the same political party as the President, 4 members; or

(II) if the Speaker does not belong to the same political party as the President, 6 members;

(iii) the Minority Leader of the House of Representatives shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(iv) the Majority Leader of the Senate shall appoint—

(I) if the Majority Leader belongs to the same political party as the President, 4 members; or

(II) if the Majority Leader does not belong to the same political party as the President, 6 members; and

(v) the Minority Leader of the Senate shall appoint—

(I) if the Minority Leader belongs to the same political party as the President, 4 members; or

(II) if the Minority Leader does not belong to the same political party as the President, 6 members;

(B) who are between 16 and 24 years of age;

(C) who have participated in a public policy-related program, outreach initiative, internship, fellowship, or Congressional, State, or local government-sponsored youth advisory council;

(D) who can constructively contribute to policy deliberations;

(E) who can conduct outreach to solicit the views and perspectives of peers; and

(F) who have backgrounds that reflect the racial, socioeconomic, and geographic diversity of the United States.

SENATE RESOLUTION 581—PROHIBITING THE SENATE FROM ADJOURNING, RECESSING, OR CONVENING IN A PRO FORMA SESSION UNLESS THE SENATE HAS PROVIDED A HEARING AND A VOTE ON THE PENDING NOMINATION TO THE POSITION OF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. LEAHY, Ms. BALDWIN, Mr. BENNET, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 581

Whereas the Constitution of the United States provides that the President shall ''nominate, and by and with the advice and consent of the Senate, shall appoint'' justices of the Supreme Court of the United States (in this preamble referred to as the ''Supreme Court'');

Whereas the constitutional duty of the Senate of providing advice and consent on nominees to be a justice of the Supreme Court is one of the most important and solemn responsibilities of the Senate;

Whereas the Senate has taken action on every pending nominee to fill a vacancy on the Supreme Court in the last 100 years;

Whereas the Senate has confirmed 13 justices of the Supreme Court in the month of September, including Chief Justice John Roberts and Justice Antonin Scalia;

Whereas there has never been a time in history when an elected President has been denied the ability to fill a Supreme Court vacancy, by and with the advice and consent of the Senate, prior to the election of the next President;

Whereas the Senate has confirmed more than a dozen justices of the Supreme Court in presidential election years, including 5 in the last 100 years;

Whereas the Senate has confirmed justices of the Supreme Court in election years in which the executive and legislative branches of the Federal Government were divided between 2 political parties, including confirming Associate Justice Anthony Kennedy in 1988;

Whereas the Committee on the Judiciary of the Senate has never denied a hearing to a nominee to be a justice of the Supreme Court since the committee began holding public confirmation hearings for such nominees in 1916;

Whereas the Committee on the Judiciary of the Senate has a long tradition of reporting nominees to be a justice of the Supreme Court for consideration by the full Senate, even in cases in which the nominee lacked the support of a majority of the committee, including the nominations of Associate Justice Clarence Thomas in 1991 and Robert Bork in 1987;

Whereas the Federal Judiciary is a coequal branch of the Federal Government and the Supreme Court serves an essential function resolving questions of law that affect the economy and people of the United States and the protection of the United States and its communities;

Whereas forcing the Supreme Court to function with only 8 sitting justices has created several instances, and risks creating more instances, in which the justices are evenly divided as to the outcome of a case, preventing the Supreme Court from resolving conflicting interpretations of the law from different regions of the United States and thereby undermining the constitutional function of the Supreme Court as the final arbiter of the law;

Whereas the Supreme Court recusal policy adopted in 1993 and signed by Chief Justice William H. Rehnquist, Associate Justices John Paul Stevens, Antonin Scalia, Sandra Day O'Connor, Anthony Kennedy, Clarence Thomas, and Ruth Bader Ginsburg, and later adopted by Chief Justice John Roberts, stresses that ''even one unnecessary recusal impairs the functioning of the Court'' and that ''needless recusal deprives litigants of the nine Justices to which they are entitled, produces the possibility of an even division on the merits of the case, and has a distorting effect on the certiorari process, requiring the petition to obtain (under our current practice) four votes out of eight instead of four out of nine'';

Whereas since 1975, the average number of days from nomination to confirmation vote for a nominee to be a justice of the Supreme Court has been 70 days;

Whereas the vacancy on the Supreme Court caused by the death of Associate Justice Antonin Scalia arose on February 13, 2016, and the days since the occurrence of that vacancy now number more than 200 days; and

Whereas on March 16, 2016, President Obama nominated Merrick B. Garland, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit, to fill the Supreme Court vacancy caused by the death of Associate Justice Antonin Scalia: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''No Vote No Recess Resolution''.

SEC. 2. PROHIBITING ADJOURNMENT OR PRO FORMA SESSIONS UNTIL ACTION ON NOMINEE TO SUPREME COURT.

(a) PROHIBITION.—During the period beginning on September 27, 2016 and ending on the last day of the 114th Congress, the Senate shall not adjourn, remain adjourned, or recess for a period of more than 2 days and shall not convene solely in a pro forma session unless, by the date on which the period of adjournment begins or the date of the pro forma session, the Senate has taken action on any nomination made by the President for a position as a justice of the Supreme Court of the United States by—

(1) holding a hearing on the nomination in the Committee on the Judiciary of the Senate;

(2) holding a vote on the nomination in the Committee on the Judiciary of the Senate; and

(3) holding a confirmation vote on the nomination in the full Senate.

(b) ADJOURNING AND RECESSING.—During the period beginning on September 27, 2016 and ending on the date on which the requirements under paragraphs (1), (2), and (3) of subsection (a) are met—

(1) a motion to adjourn or to recess the Senate, or any resolution or order of the Senate including a provision that the Senate adjourn at a time certain, shall be decided by a yea-or-nay vote, and agreed to upon an affirmative vote of two-thirds of the Senators voting, a quorum being present;

(2) if a quorum is present, the Presiding Officer shall not entertain a request to adjourn or recess the Senate by unanimous consent or to vitiate the yeas and nays on such a motion by unanimous consent; and

(3) if the Senate adjourns due to the absence of a quorum, the Senate shall reconvene 2 hours after the time at which it adjourns and ascertain the presence of a quorum.

(c) NO SUSPENSION OF REQUIREMENTS.—The Presiding Officer may not entertain a request to suspend the operation of this resolution by unanimous consent or motion.

(d) CONSISTENCY WITH SENATE EMERGENCY PROCEDURES AND PRACTICES.—Nothing in this resolution shall be construed in a manner that is inconsistent with S. Res. 296 (108th Congress) or any other emergency procedures or practices of the Senate.

SENATE RESOLUTION 582—RECOGNIZING AND HONORING THE LIFE OF JOSE FERNANDEZ

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 582

Whereas Jose Fernandez was born in Santa Clara, Cuba, on July 31, 1992;

Whereas Jose Fernandez attempted to escape Cuba on 4 separate occasions and was imprisoned by the Cuban government for doing so;

Whereas during one of his attempts to escape Cuba, Jose Fernandez saved the life of his mother by diving into the water to rescue her after she fell into the Yucatan channel;

Whereas Jose Fernandez came to the United States on April 5, 2008;

Whereas Jose Fernandez was a graduate of Braulio Alonso High School in Tampa, Florida;

Whereas Jose Fernandez was drafted by the Miami Marlins in the first round of the 2011 Major League Baseball Draft as the 14th overall selection;

Whereas Jose Fernandez signed with the Marlins on August 15, 2011;

Whereas Jose Fernandez started his first Major League Baseball game on April 7, 2013;

Whereas Jose Fernandez won the 2013 National League Rookie of the Year award;

Whereas, in 2013, after more than 5 years and with the help of the Marlins, Jose

Fernandez was reunited with his grandmother, whom he called the love of his life;

Whereas Jose Fernandez became a United States citizen on April 24, 2015;

Whereas Jose Fernandez was a 2-time All-Star, with a career record of 38 wins, 17 losses, 589 strikeouts, and a 2.58 earned run average;

Whereas Jose Fernandez gave back to his community through charities such as Live Like Bella, the Marlins Foundation, and the Marlins Ayudan;

Whereas, on September 25, 2016, Jose Fernandez died in a tragic boating accident with his 2 friends, Emilio Macias and Eduardo Rivero;

Whereas Emilio Macias and Eduardo Rivero graduated from G. Holmes Braddock Senior High School in Miami, Florida;

Whereas Jose Fernandez, through his hard work, devotion, and optimism, brought great joy to his family, especially his mother and grandmother; and

Whereas Jose Fernandez's pursuit of the American dream was a great source of pride for the Cuban exile community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Jose Fernandez;

(2) offers heartfelt condolences to—

(A) the family, friends, loved ones, and teammates of Jose Fernandez; and

(B) the family and friends of Emilio Macias and Eduardo Rivero;

(3) commends the significant contributions that Jose Fernandez made, on and off the field, to—

(A) the City of Tampa, Florida;

(B) the City of Miami, Florida; and

(C) the State of Florida; and

(4) recognizes the memory of Jose Fernandez as an inspiration for all who seek freedom and a better life in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5103. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table.

SA 5104. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5325, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5103. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act''.

SEC. 2. TABLE OF CONTENTS.

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2017.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 6. EXPLANATORY STATEMENT.

(a) The explanatory statement regarding this Act, printed in the Senate section of the Congressional Record on or about September 22, 2016, by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of divisions A through D of this Act as if it were a joint explanatory statement of a committee of conference.

(b) Any reference to the ''joint explanatory statement accompanying this Act'' contained in division A of this Act shall be considered to be a reference to the explanatory statement described in subsection (a).

DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $513,459,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed $98,159,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,021,580,000, to remain available until September 30, 2021: *Provided*, That, of this amount, not to exceed $88,230,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,491,058,000, to remain available until September 30, 2021: *Provided*, That of this amount, not to exceed $143,582,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That none of the funds made available under this heading shall be for construction of the Joint Intelligence Analysis Complex Consolidation, Phase 3, at Royal Air Force Croughton, United Kingdom, unless authorized in an Act authorizing appropriations for fiscal year 2017 for military construction.

MILITARY CONSTRUCTION, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,025,444,000, to remain available until September 30, 2021: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $180,775,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $232,930,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $8,729,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $143,957,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $10,462,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $68,230,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $7,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $38,597,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $3,783,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $188,950,000, to remain available until September 30, 2021: *Provided*, That, of the amount appropriated, not to exceed $4,500,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $177,932,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $240,237,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $157,172,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $325,995,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $94,011,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $300,915,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $61,352,000, to remain available until September 30, 2021.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $274,429,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $59,157,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $3,258,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both

Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

(1) performs a testing mission or function that is not performed by any other unit in the Army and is specifically stipulated in title 10, United States Code; and

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of members of the regular and reserve components of the Army assigned to the installation.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Army certifies to the congressional defense committees that in proposing the relocation of the unit of the Army, the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, and responsibilities for Army stationing actions.

SEC. 123. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 124. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 125. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2021:

''Military Construction, Army'', $40,500,000;

''Military Construction, Navy and Marine Corps'', $227,099,000;

''Military Construction, Air Force'', $149,500,000;

''Military Construction, Army National Guard'', $67,500,000;

''Military Construction, Air National Guard'', $11,000,000;

''Military Construction, Army Reserve'', $30,000,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2017 submitted to Congress by the Secretary of Defense: *Provided further*, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: *Provided further*, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 126. For an additional amount for ''Military Construction, Navy and Marine Corps'', $89,400,000, to remain available until September 30, 2021: *Provided*, That, such funds may only be obligated to carry out construction projects identified by the Department of the Navy in its June 8, 2016, unfunded priority list submission to the Committees on Appropriations of both Houses of Congress detailing unfunded reprogramming and emergency construction requirements: *Provided further*, That, not later than 30 days after enactment of this Act, the Secretary of the Navy, or his or her designee, shall submit to the Committees an expenditure plan for funds provided under this section.

(RESCISSIONS OF FUNDS)

SEC. 127. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

''Military Construction, Army'', $29,602,000;

''Military Construction, Air Force'', $51,460,000;

''Military Construction, Defense-Wide'', $171,600,000, of which $30,000,000 are to be derived from amounts made available for Missile Defense Agency planning and design; and

''North Atlantic Treaty Organization Security Investment Program'', $30,000,000:

Provided, That no amounts may be rescinded from amounts that were designated by the Congress for Overseas Contingency Operations/Global War on Terrorism or as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances made available in prior appropriation Acts for the fund established in section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $25,000,000 are hereby rescinded.

SEC. 129. For the purposes of this Act, the term ''congressional defense committees'' means the Committees on Armed Services of

the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 130. None of the funds made available by this Act may be used to carry out the closure or realignment of the United States Naval Station, Guantánamo Bay, Cuba.

SEC. 131. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress (''the Committees'') a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: *Provided*, That the term ''United States'' in this section does not include any territory or possession of the United States.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $90,119,449,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That not to exceed $17,224,000 of the amount made available for fiscal year 2018 under this heading shall be reimbursed to ''General Operating Expenses, Veterans Benefits Administration'', and ''Information Technology Systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and Pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical Care Collections Fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $13,708,648,000, to remain available until expended and to become available on October 1, 2017: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $124,504,000, to remain available until expended, of which $107,899,000 shall become available on October 1, 2017.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, during fiscal year 2017, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $198,856,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $36,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,517,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $389,000, which may be paid to the appropriation for ''General Operating Expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,163,000.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,856,160,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That, of the funds made available under this heading, not to exceed 5 percent shall remain available until September 30, 2018.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and hospital care and medical services authorized by section 1787 of title 38, United States Code; $1,078,993,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, $44,886,554,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $1,400,000,000 shall remain available until September 30, 2019: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: *Provided further*, That the Secretary of Veterans Affairs shall provide access to therapeutic listening devices to veterans struggling with mental health related problems, substance abuse, or traumatic brain injury.

MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, $7,246,181,000, plus reimbursements, of which $2,000,000,000 shall remain available until September 30, 2020; and, in addition, $9,409,118,000 shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That of the amount made available on October 1, 2017, $1,500,000,000 shall remain available until September 30, 2021.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et

seq.), $6,654,480,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $100,000,000 shall remain available until September 30, 2019.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $247,668,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2016; and, in addition, $5,434,880,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $250,000,000 shall remain available until September 30, 2019.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $675,366,000, plus reimbursements, shall remain available until September 30, 2018: *Provided*, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $286,193,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $345,391,000, of which not to exceed 5 percent shall remain available until September 30, 2018: *Provided*, That funds provided under this heading may be transferred to ''General Operating Expenses, Veterans Benefits Administration''.

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $156,096,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,278,259,000, plus reimbursements: *Provided*, That $1,272,548,000 shall be for pay and associated costs, of which not to exceed $37,100,000 shall remain available until September 30, 2018: *Provided further*, That $2,534,442,000 shall be for operations and maintenance, of which not to exceed $180,200,000 shall remain available until September 30, 2018: *Provided further*, That $471,269,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2018: *Provided further*, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: *Provided further*, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That amounts made available for the ''Information Technology Systems'' account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: *Provided further*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: *Provided further*, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: *Provided further*, That of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution or any successor program, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs:

(1) submits to the Committees on Appropriations of both Houses of Congress the VistA Evolution Business Case and supporting documents regarding continuation of VistA Evolution or alternatives to VistA Evolution, including an analysis of necessary or desired capabilities, technical and security requirements, the plan for modernizing the platform framework, and all associated costs;

(2) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes a strategic plan for VistA Evolution, or any successor program, and the associated implementation plan including metrics and timelines; a master schedule and lifecycle cost estimate for VistA Evolution or any successor; and an implementation plan for the transition from the Project Management Accountability System to a new project delivery framework, the Veteran-focused Integration Process, that includes the methodology by which projects will be tracked, progress measured, and deliverables evaluated;

(3) submits to the Committees on Appropriations of both Houses of Congress a report outlining the strategic plan to reach interoperability with private sector healthcare providers, the timeline for reaching ''meaningful use'' as defined by the Office of National Coordinator for Health Information Technology for each data domain covered under the VistA Evolution program, and the extent to which the Department of Veterans Affairs leverages the State Health Information Exchanges to share health data with private sector providers;

(4) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes the extent to which VistA Evolution, or any successor program, maximizes the use of commercially available software used by DoD and the private sector, requires an open architecture that leverages best practices and rapidly adapts to technologies produced by the private sector, enhances full interoperability between the VA and DoD and between VA and the private sector, and ensures the security of personally identifiable information of veterans and beneficiaries; and

(5) certifies in writing to the Committees on Appropriations of both Houses of Congress that the Department of Veterans Affairs has met the requirements contained in the National Defense Authorization Act of Fiscal Year 2014 (Public Law 113–66) which require that electronic health record systems of the Department of Defense and the Department of Veterans Affairs have reached interoperability, comply with national standards and architectural requirements identified by the DoD/VA Interagency Program Office in collaboration with the Office of National Coordinator for Health Information Technology:

Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the joint explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $160,106,000, of which not to exceed 10 percent shall remain available until September 30, 2018.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation,

$528,110,000, of which $478,110,000 shall remain available until September 30, 2021, and of which $50,000,000 shall remain available until expended: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: *Provided further*, That funds made available under this heading for fiscal year 2017, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2017; and (2) by the awarding of a construction contract by September 30, 2018: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That, of the amount made available under this heading, $222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of $100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114–58; and

(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $372,069,000, to remain available until September 30, 2021, along with unobligated balances of previous ''Construction, Minor Projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $90,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2017 for ''Compensation and Pensions'', ''Readjustment Benefits'', and ''Veterans Insurance and Indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, in this or any other Act, under the ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'' accounts may be transferred among the accounts: *Provided*, That any transfers among the ''Medical Services'', ''Medical Community Care'', and ''Medical Support and Compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers among the ''Medical Services'', ''Medical Community Care'', and ''Medical Support and Compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical Facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, Major Projects'', and ''Construction, Minor Projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical Services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and Pensions'', ''Readjustment Benefits'', and ''Veterans Insurance and Indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2016.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and Pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2017, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General Operating Expenses, Veterans Benefits Administration'' and ''Information Technology Systems'' accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2017 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2017 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative

expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $47,668,000 for the Office of Resolution Management and $3,932,000 for the Office of Employment Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General Administration'' and ''Information Technology Systems'' accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, Major Projects'' and ''Construction, Minor Projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, Major Projects'' and ''Construction, Minor Projects''.

SEC. 213. Amounts made available under ''Medical Services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the ''Medical Services'' and ''Medical Community Care'' accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, Major Projects'' and ''Construction, Minor Projects'' accounts, to remain available until expended for the purposes of these accounts.

(RESCISSION OF FUNDS)

SEC. 217. Of the amounts appropriated in title II of division J of Public Law 114–113 under the heading ''Medical Services'' which become available on October 1, 2016, $7,246,181,000 are hereby rescinded.

SEC. 218. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: *Provided*, That, at a minimum, the report shall include the direction contained in the paragraph entitled ''Quarterly reporting'', under the heading ''General Administration'' in the joint explanatory statement accompanying this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Amounts made available under the ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', ''Medical Facilities'', ''General Operating Expenses, Veterans Benefits Administration'', ''General Administration'', and ''National Cemetery Administration'' accounts for fiscal year 2017 may be transferred to or from the ''Information Technology Systems'' account: *Provided*, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the ''Information Technology Systems'' account: *Provided further*, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 220. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2017 for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', ''Medical Facilities'', ''Construction, Minor Projects'', and ''Information Technology Systems'', up to $274,731,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: *Provided further*, That section 223 of title II of division J of Public Law 114–113 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2017, for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'', up to $280,802,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts available in this title for ''Medical Services'', ''Medical Community Care'', ''Medical Support and Compliance'', and ''Medical Facilities'', a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 225. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 226. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 227. None of the funds made available for ''Construction, Major Projects'' may be

used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 228. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: *Provided*, That, at a minimum, the report shall include the direction contained in the section entitled ''Disability claims backlog'', under the heading ''General Operating Expenses, Veterans Benefits Administration'' in the joint explanatory statement accompanying this Act.

SEC. 229. Of the funds provided to the Department of Veterans Affairs for fiscal year 2017 for ''Medical Support and Compliance'' a maximum of $40,000,000 may be obligated from the ''Medical Support and Compliance'' account for the VistA Evolution and electronic health record interoperability projects: *Provided*, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 230. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 231. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 232. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the ''Medical Services'' account any discretionary appropriations made available for fiscal year 2017 in this title (except appropriations made to the ''General Operating Expenses, Veterans Benefits Administration'' account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2017, that were provided in advance by appropriations Acts: *Provided*, That transfers shall be made only with the approval of the Office of Management and Budget: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: *Provided further*, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 233. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, under the ''Board of Veterans Appeals'' and the ''General Operating Expenses, Veterans Benefits Administration'' accounts may be transferred between such accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 234. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

(RESCISSION OF FUNDS)

SEC. 235. Of the unobligated balances available within the ''DOD–VA Health Care Sharing Incentive Fund'', $40,000,000 are hereby rescinded.

(RESCISSIONS OF FUNDS)

SEC. 236. Of the discretionary funds made available in Public Law 114–113 for the Department of Veterans Affairs for fiscal year 2017, $134,000,000 are rescinded from ''Medical Services'', $26,000,000 are rescinded from ''Medical Support and Compliance'', and $9,000,000 are rescinded from ''Medical Facilities''.

SEC. 237. The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

(1) ''Veterans Health Administration—Medical and Prosthetic Research'', $2,000,000.

(2) ''Departmental Administration—Board of Veterans Appeals'', $500,000.

(3) ''Veterans Benefits Administration—General Operating Expenses, Veterans Benefits Administration'', $12,000,000.

(4) ''Departmental Administration—Information Technology Systems'', $8,000,000.

(5) ''Departmental Administration—Office of Inspector General'', $500,000.

SEC. 238. The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

SEC. 239. (a) The Secretary of Veterans Affairs shall treat a marriage and family therapist described in subsection (b) as qualified to serve as a marriage and family therapist in the Department of Veterans Affairs, regardless of any requirements established by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) A marriage and family therapist described in this subsection is a therapist who meets each of the following criteria:

(1) Has a masters or higher degree in marriage and family therapy, or a related field, from a regionally accredited institution.

(2) Is licensed as a marriage and family therapist in a State (as defined in section 101(20) of title 38, United States Code) and possesses the highest level of licensure offered from the State.

(3) Has passed the Association of Marital and Family Therapy Regulatory Board Examination in Marital and Family Therapy or a related examination for licensure administered by a State (as so defined).

SEC. 240. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Service Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost vs. benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings' condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: *Provided*, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 241. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 242. Paragraph (3) of section 403(a) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended to read as follows:

''(3) DURATION.—A veteran may receive health services under this section during the period beginning on the date specified in paragraph (2) and ending on September 30, 2017.''.

SEC. 243. (a) Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.''.

(b) Section 1710(g)(3) of such title is amended—

(1) by striking ''with respect to home health services'' and inserting ''with respect to the following:''

''(A) Home health services''; and

(2) by adding at the end the following new subparagraph:

''(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances.''.

SEC. 244. Section 312 of title 38, United States Code, is amended in subsection (c)(1)

by striking the phrase ''that makes a recommendation or otherwise suggests corrective action,''.

SEC. 245. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2017 and fiscal year 2018 for ''Medical Services'', funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 246. Section 5701(l) of title 38, United States Code, is amended by striking ''may'' and inserting ''shall''.

VA PATIENT PROTECTION ACT OF 2016

SEC. 247. (a) PROCEDURE AND ADMINISTRATION.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''§ 731. Whistleblower complaint defined

''In this subchapter, the term 'whistleblower complaint' means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

''§ 732. Treatment of whistleblower complaints

''(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

''(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

''(b) NOTIFICATION.—(1)(A) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

''(B) The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor and the central whistleblower office described in subsection (h) a written report on the complaint.

''(2)(A) On a monthly basis, the supervisor shall submit to the appropriate director or other official who is superior to the supervisor a written report that includes the number of whistleblower complaints received by the supervisor under this section during the month covered by the report, the disposition of such complaints, and any actions taken because of such complaints pursuant to subsection (c).

''(B) In the case in which such a director or official carries out this paragraph, the director or official shall submit such monthly report to the supervisor of the director or official and to the central whistleblower office described in subsection (h).

''(c) POSITIVE DETERMINATION.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint of an employee, the supervisor shall include in the notification to the employee under such subsection the specific actions that the supervisor will take to address the complaint.

''(d) FILING COMPLAINT WITH NEXT-LEVEL SUPERVISORS.—(1) If any circumstance described in paragraph (3) is met, an employee may file a whistleblower complaint in accordance with subsection (g) with the next-level supervisor who shall treat such complaint in accordance with this section.

''(2) An employee may file a whistleblower complaint with the Secretary if the employee has filed the whistleblower complaint to each level of supervisors between the employee and the Secretary in accordance with paragraph (1).

''(3) A circumstance described in this paragraph is any of the following circumstances:

''(A) A supervisor does not make a timely determination under subsection (b)(1) regarding a whistleblower complaint.

''(B) The employee who made a whistleblower complaint determines that the supervisor did not adequately address the complaint pursuant to subsection (c).

''(C) The immediate supervisor of the employee is the basis of the whistleblower complaint.

''(e) TRANSFER OF EMPLOYEE WHO FILES WHISTLEBLOWER COMPLAINT.—If a supervisor makes a positive determination under subsection (b)(1) regarding a whistleblower complaint filed by an employee, the Secretary shall—

''(1) inform the employee of the ability to volunteer for a transfer in accordance with section 3352 of title 5; and

''(2) give preference to the employee for such a transfer in accordance with such section.

''(f) PROHIBITION ON EXEMPTION.—The Secretary may not exempt any employee of the Department from being covered by this section.

''(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A whistleblower complaint filed by an employee under subsection (a) or (d) shall consist of the form described in paragraph (2) and any supporting materials or documentation the employee determines necessary.

''(2) The form described in this paragraph is a form developed by the Secretary, in consultation with the Special Counsel, that includes the following:

''(A) An explanation of the purpose of the whistleblower complaint form.

''(B) Instructions for filing a whistleblower complaint as described in this section.

''(C) An explanation that filing a whistleblower complaint under this section does not preclude the employee from any other method established by law in which an employee may file a whistleblower complaint.

''(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 735(d).

''(E) Fields for the employee to provide—

''(i) the date that the form is submitted;

''(ii) the name of the employee;

''(iii) the contact information of the employee;

''(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and

''(v) proposed solutions to the complaint.

''(F) Any other information or fields that the Secretary determines appropriate.

''(3) The Secretary, in consultation with the Special Counsel, shall develop the form described in paragraph (2) by not later than 60 days after the date of the enactment of this section.

''(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The Secretary shall ensure that the central whistleblower office—

''(A) is not an element of the Office of the General Counsel;

''(B) is not headed by an official who reports to the General Counsel;

''(C) does not provide, or receive from, the General Counsel any information regarding a whistleblower complaint except pursuant to an action regarding the complaint before an administrative body or court; and

''(D) does not provide advice to the General Counsel.

''(2) The central whistleblower office shall be responsible for investigating all whistleblower complaints of the Department, regardless of whether such complaints are made by or against an employee who is not a member of the Senior Executive Service.

''(3) The Secretary shall ensure that the central whistleblower office maintains a toll-free hotline to anonymously receive whistleblower complaints.

''(4) The Secretary shall ensure that the central whistleblower office has such staff and resources as the Secretary considers necessary to carry out the functions of the central whistleblower office.

''(5) In this subsection, the term 'central whistleblower office' means the Office of Accountability Review or a successor office that is established or designated by the Secretary to investigate whistleblower complaints filed under this section or any other method established by law.

''§ 733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints

''(a) IN GENERAL.—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees (as defined in section 7103(a) of title 5) whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

''(A) With respect to the first offense, an adverse action that is not less than a 12-day suspension and not more than removal.

''(B) With respect to the second offense, removal.

''(2)(A) An employee against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

''(B)(i) An employee who is notified under subparagraph (A) of being the subject of a proposed adverse action under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

''(ii) If the employee does not furnish any such evidence as described in clause (i) or if the Secretary determines that such evidence is not sufficient to reverse the determination to propose the adverse action, the Secretary shall carry out the adverse action following such 14-day period.

''(C) Paragraphs (1) and (2) of subsection (b) of section 7513 of title 5, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543 of such title, and subsection (c) of such section shall not apply with respect to an adverse action carried out under paragraph (1).

''(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).

''(c) PROHIBITED PERSONNEL ACTION DESCRIBED.—A prohibited personnel action described in this subsection is any of the following actions:

''(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

''(A) filing a whistleblower complaint in accordance with section 732 of this title;

''(B) filing a whistleblower complaint with the Inspector General of the Department, the Special Counsel, or Congress;

''(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 732 or with the Inspector General of the Department, the Special Counsel, or Congress;

''(D) participating in an audit or investigation by the Comptroller General of the United States;

''(E) refusing to perform an action that is unlawful or prohibited by the Department; or

''(F) engaging in communications that are related to the duties of the position or are otherwise protected.

''(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

''(3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by section 2302 of title 5.

''(4) Requesting a contractor to carry out an action that is prohibited by section 4705(b) or section 4712(a)(1) of title 41, as the case may be.

''§ 734. Evaluation criteria of supervisors and treatment of bonuses

''(a) EVALUATION CRITERIA.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

''(2) The criteria described in this subsection are the following:

''(A) Whether the supervisor treats whistleblower complaints in accordance with section 732 of this title.

''(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action described in section 733(b) of this title by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

''(b) BONUSES.—(1) The Secretary may not pay to a supervisor described in subsection (a)(2)(B) an award or bonus under this title or title 5, including under chapter 45 or 53 of such title, during the one-year period beginning on the date on which the determination was made under such subsection.

''(2) Notwithstanding any other provision of law, the Secretary shall issue an order directing a supervisor described in subsection (a)(2)(B) to repay the amount of any award or bonus paid under this title or title 5, including under chapter 45 or 53 of such title, if—

''(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

''(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and

''(C) the supervisor is afforded notice and an opportunity for a hearing before making such repayment.

''§ 735. Training regarding whistleblower complaints

''(a) TRAINING.—Not less frequently than once each year, the Secretary, in coordination with the Whistleblower Protection Ombudsman designated under section 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.), shall provide to each employee of the Department training regarding whistleblower complaints, including—

''(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

''(2) an explanation of prohibited personnel actions described by section 733(c) of this title;

''(3) with respect to supervisors, how to treat whistleblower complaints in accordance with section 732 of this title;

''(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

''(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

''(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

''(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

''(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure that training provided under subsection (a) is provided in person.

''(c) CERTIFICATION.—Not less frequently than once each year, the Secretary shall provide training on merit system protection in a manner that the Special Counsel certifies as being satisfactory.

''(d) PUBLICATION.—(1) The Secretary shall publish on the Internet website of the Department, and display prominently at each facility of the Department, the rights of an employee to file a whistleblower complaint, including the information described in paragraphs (1) through (7) of subsection (a).

''(2) The Secretary shall publish on the Internet website of the Department, the whistleblower complaint form described in section 732(g)(2).

''§ 736. Reports to Congress

''(a) ANNUAL REPORTS.—Not less frequently than once each year, the Secretary shall submit to the appropriate committees of Congress a report that includes—

''(1) with respect to whistleblower complaints filed under section 732 of this title during the year covered by the report—

''(A) the number of such complaints filed;

''(B) the disposition of such complaints; and

''(C) the ways in which the Secretary addressed such complaints in which a positive determination was made by a supervisor under subsection (b)(1) of such section;

''(2) the number of whistleblower complaints filed during the year covered by the report that are not included under paragraph (1), including—

''(A) the method in which such complaints were filed;

''(B) the disposition of such complaints; and

''(C) the ways in which the Secretary addressed such complaints; and

''(3) with respect to disclosures made by a contractor under section 4705 or 4712 of title 41—

''(A) the number of complaints relating to such disclosures that were investigated by the Inspector General of the Department of Veterans Affairs during the year covered by the report;

''(B) the disposition of such complaints; and

''(C) the ways in which the Secretary addressed such complaints.

''(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DETERMINATIONS.—Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the appropriate committees of Congress of such information, including the determination made by the Special Counsel.

''(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Veterans' Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Veterans' Affairs and the Committee on Oversight and Government Reform of the House of Representatives.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) CONFORMING AMENDMENT.—Such chapter is further amended by inserting before section 701 the following:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS''.

(B) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(i) by inserting before the item relating to section 701 the following new item:

''SUBCHAPTER I—GENERAL EMPLOYEE MATTERS'';

and

(ii) by adding at the end the following new items:

''SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

''731. Whistleblower complaint defined.
''732. Treatment of whistleblower complaints.
''733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.
''734. Evaluation criteria of supervisors and treatment of bonuses.
''735. Training regarding whistleblower complaints.
''736. Reports to Congress.''.

(b) TREATMENT OF CONGRESSIONAL TESTIMONY BY DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFICIAL DUTY.—

(1) IN GENERAL.—Subchapter I of chapter 7 of title 38, United States Code, as designated by section 2(a)(2)(A), is amended by adding at the end the following new section:

''§ 715. Congressional testimony by employees: treatment as official duty

''(a) CONGRESSIONAL TESTIMONY.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

''(b) TRAVEL EXPENSES.—The Secretary shall provide travel expenses, including per

diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 2(a)(2)(B), is further amended by inserting after the item relating to section 713 the following new item:

''715. Congressional testimony by employees: treatment as official duty.''.

SEC. 248. (a) IN GENERAL.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Defense shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record is available, the Secretary of Defense shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(2) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom the applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner's document or Z-card, or other official employment record has been destroyed or otherwise become unavailable by reason of any action committed by a person responsible for the control and maintenance of such form, logbook, or record, the Secretary of Defense shall accept other official documentation demonstrating that the individual performed such service during period beginning on December 7, 1941, and ending on December 31, 1946.

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—Other documentation accepted by the Secretary of Defense pursuant to subsection (a)(2) shall satisfy all requirements for eligibility of service during the period beginning on December 7, 1941, and ending on December 31, 1946.

(c) BENEFITS ALLOWED.—

(1) MEDALS, RIBBONS, AND DECORATIONS.—An individual whose service is recognized as active duty pursuant to subsection (a) may be awarded an appropriate medal, ribbon, or other military decoration based on such service.

(2) STATUS OF VETERAN.—An individual whose service is recognized as active duty pursuant to subsection (a) shall be honored as a veteran but shall not be entitled by reason of such recognized service to any benefit that is not described in this subsection.

SEC. 249. Section 322(d)(1) of title 38, United States Code, is amended—

(1) by striking ''allowance to a veteran'' and inserting the following: ''allowance to—

''(A) a veteran'';

(2) in subparagraph (A), as designated by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(B) a veteran with a VA service-connected disability rated as 30 percent or greater by the Department of Veterans Affairs who is selected by the United States Olympic Committee for the United States Olympic Team for any month in which the veteran is competing in any event sanctioned by the National Governing Bodies of the United States Olympic Sports.''.

SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(G) A veteran with vision impairment, a veteran with a spinal cord injury or disorder, or a veteran with double or multiple amputations whose travel is in connection with care provided through a special disabilities rehabilitation program of the Department (including programs provided by spinal cord injury centers, blind rehabilitation centers, and prosthetics rehabilitation centers) if such care is provided—

''(i) on an in-patient basis; or

''(ii) during a period in which the Secretary provides the veteran with temporary lodging at a facility of the Department to make such care more accessible to the veteran.''.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the beneficiary travel program under section 111 of title 38, United States Code, as amended by subsection (a), that includes the following:

(1) The cost of the program.

(2) The number of veterans served by the program.

(3) Such other matters as the Secretary considers appropriate.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act.

SEC. 251. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct inspections of kitchens and food service areas at each medical facility of the Department of Veterans Affairs. Such inspections shall occur not less frequently than annually. The program's goal is to ensure that the same standards for kitchens and food service areas at hospitals in the private sector are being met at kitchens and food service areas at medical facilities of the Department.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—

(1) INITIAL FAILURE.—If a kitchen or food service area of a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) not to meet the standards for kitchens and food service areas in hospitals in the private sector, that medical facility fails the inspection and the Secretary shall—

(A) implement a remediation plan for that medical facility within 72 hours; and

(B) Conduct a second inspection under subsection (a) at that medical facility within 14 days of the failed inspection.

(2) SECOND FAILURE.—If a medical facility of the Department fails the second inspection conducted under paragraph (1)(B), the Secretary shall close the kitchen or food service area at that medical facility that did not meet the standards for kitchens and food service areas in hospitals in the private sector until full remediation is completed and all kitchens and food service areas at that medical facility meet such standards.

(3) PROVISION OF FOOD.—If a kitchen or food service area is closed at a medical facility of the Department pursuant to paragraph (2), the Director of the Veterans Integrated Service Network in which the medical facility is located shall enter into a contract with a vendor approved by the General Services Administration to provide food at the medical facility.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary of Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 252. (a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a program to conduct risk-based inspections for mold and mold issues at each medical facility of the Department of Veterans Affairs. Such facilities will be rated high, medium, or low risk for mold. Such inspections at facilities rated high risk shall occur not less frequently than annually, and such inspections at facilities rated medium or low risk shall occur not less frequently than biennially.

(b) AGREEMENT.—

(1) IN GENERAL.—The Secretary shall seek to enter into an agreement with the Joint Commission on Accreditation of Hospital Organizations under which the Joint Commission on Accreditation of Hospital Organizations conducts the inspections required under subsection (a).

(2) ALTERNATE ORGANIZATION.—If the Secretary is unable to enter into an agreement described in paragraph (1) with the Joint Commission on Accreditation of Hospital Organizations on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate organization that—

(A) is not part of the Federal Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Joint Commission on Accreditation of Hospital Organizations.

(c) REMEDIATION PLAN.—If a medical facility of the Department is determined pursuant to an inspection conducted under subsection (a) to have a mold issue, the Secretary shall—

(1) implement a remediation plan for that medical facility within 7 days; and

(2) Conduct a second inspection under subsection (a) at that medical facility within 90 days of the initial inspection.

(d) QUARTERLY REPORTS.—Not less frequently than quarterly, the Under Secretary for Health shall submit to Congress a report on inspections conducted under this section, and their detailed findings and actions taken, during the preceding quarter at medical facilities of the Department.

SEC. 253. Section 1706(b)(5)(A) of title 38, United States Code, is amended, in the first sentence, by striking ''through 2008''.

SEC. 254. (a) The Secretary of Veterans Affairs may use amounts appropriated or otherwise made available in this title to ensure that the ratio of veterans to full-time employment equivalents within any program of rehabilitation conducted under chapter 31 of title 38, United States Code, does not exceed 125 veterans to one full-time employment equivalent.

(b) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the programs of rehabilitation conducted under chapter 31 of title 38, United States Code, including—

(1) an assessment of the veteran-to-staff ratio for each such program; and

(2) recommendations for such action as the Secretary considers necessary to reduce the veteran-to-staff ratio for each such program.

SEC. 255. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement.

SEC. 256. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 257. Appropriations made available in this Act under the heading ''Medical Services'' shall be available to carry out sections 322(d) and 521A of title 38, United States Code, to include the payment of the administrative expenses necessary to carry out such sections. Of the amount appropriated for fiscal year 2017, up to $2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to $8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A. Of the amounts appropriated in advance for fiscal year 2018, up to $2,000,000 shall be available for the payment of monthly assistance allowances to veterans pursuant to 38 U.S.C. 322(d) and up to $8,000,000 shall be available for the payment of grants pursuant to 38 U.S.C. 521A.

SEC. 258. (a) In fiscal year 2017 and each fiscal year hereafter, beginning with the fiscal year 2018 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the budget justification documents submitted for the ''Construction, Major Projects'' account of the Department of Veterans Affairs shall include, at a minimum, the information required under subsection (b).

(b) The budget justification documents submitted pursuant to subsection (a) shall include, for each project—

(1) the estimated total cost of the project;

(2) the funding provided for each fiscal year prior to the budget year;

(3) the amount requested for the budget year;

(4) the estimated funding required for the project for each of the 4 fiscal years succeeding the budget year; and

(5) such additional information as is enumerated under the heading relating to the ''Construction, Major Projects'' account of the Department of Veterans Affairs in the joint explanatory statement accompanying this Act.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a proposed budget justification template that complies with the requirements of this section.

SEC. 259. (a) The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Seismic corrections to buildings, including retrofitting and replacement of high-risk buildings, in San Francisco, California, in an amount not to exceed $180,480,000.

(2) Seismic corrections to facilities, including facilities to support homeless veterans, at the medical center in West Los Angeles, California, in an amount not to exceed $105,500,000.

(3) Seismic corrections to the mental health and community living center in Long Beach, California, in an amount not to exceed $287,100,000.

(4) Construction of an outpatient clinic, administrative space, cemetery, and columbarium in Alameda, California, in an amount not to exceed $87,332,000.

(5) Realignment of medical facilities in Livermore, California, in an amount not to exceed $194,430,000.

(6) Construction of a medical center in Louisville, Kentucky, in an amount not to exceed $150,000,000.

(7) Construction of a replacement community living center in Perry Point, Maryland, in an amount not to exceed $92,700,000.

(8) Seismic corrections and other renovations to several buildings and construction of a specialty care building in American Lake, Washington, in an amount not to exceed $16,260,000.

(b) There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2016 or the year in which funds are appropriated for the Construction, Major Projects, account, $1,113,802,000 for the projects authorized in subsection (a).

(c) The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2016 pursuant to the authorization of appropriations in subsection (b);

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2016 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2016 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2016 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2016 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after fiscal year 2016 for a category of activity not specific to a project.

SEC. 260. (a) Notwithstanding any other provision of law, the amounts appropriated or otherwise made available to the Department of Veterans Affairs for the ''Medical Services'' account may be used to provide—

(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

(2) adoption reimbursement to a covered veteran.

(b) In this section:

(1) The term ''service-connected'' has the meaning given such term in section 101 of title 38, United States Code.

(2) The term ''covered veteran'' means a veteran, as such term is defined in section 101 of title 38, United States Code, who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

(3) The term ''assisted reproductive technology'' means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, United States Code, as described in the memorandum on the subject of ''Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members'' issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, including any limitations on the amount of such benefits available to such a member.

(4) The term ''adoption reimbursement'' means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this Act under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction.

(c) Amounts made available for the purposes specified in subsection (a) of this section are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2016 (Public Law 114–113).

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $75,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,945,000: *Provided*, That $2,500,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $70,800,000, of which not to exceed $15,000,000 shall remain available until September 30, 2019. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the ''Lease of Department of Defense Real Property for Defense Agencies'' account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $64,300,000, of which $1,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, $22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISIONS

SEC. 301. Funds appropriated in this Act under the heading ''Department of Defense—Civil, Cemeterial Expenses, Army'', may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

SEC. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $18,900,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $59,809,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'' $88,291,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $5,000,000, to remain available until September 30, 2021, for projects outside of the United States: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION

SEC. 401. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 503. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 504. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 506. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 507. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 508. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 509. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 510. None of the funds made available in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 511. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 512. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantánamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantánamo Bay, Cuba.

This division may be cited as the ''Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017''.

DIVISION B—ZIKA RESPONSE AND PREPAREDNESS

TITLE I

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for fiscal year 2016 for ''CDC-Wide Activities and Program Support'', $394,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service (''PHS'') Act: *Provided further*, That funds may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That the provisions in section 317S of the PHS Act shall apply to the use of funds appropriated in this paragraph as determined by the Director of the Centers for Disease Control and Prevention to be appropriate: *Provided further*, That funds appropriated in this paragraph may be used for grants for the construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at State and local laboratories: *Provided further*, That of the amount appropriated in this paragraph, $44,000,000 is included to supplement either fiscal year 2016 or fiscal year 2017 funds for the Public Health Emergency Preparedness cooperative agreement program to restore fiscal year 2016 funds that were reprogrammed for Zika virus response prior to the enactment of this Act: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for ''National Institute of Allergy and Infectious Diseases'', $152,000,000, to remain available until September 30, 2017, for research on the virology, natural history, and pathogenesis of the Zika virus infection and preclinical and clinical development of vaccines and other medical countermeasures for the Zika virus and other vector-borne diseases, domestically and internationally: *Provided*, That such funds may be transferred by the Director of the National Institutes of Health (''NIH'') to other accounts of the NIH for the purposes provided in this paragraph: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for ''Public Health and Social Services Emergency Fund'', $387,000,000, to remain available until September 30, 2017, to prevent, prepare for, and respond to Zika virus, health conditions related to such virus, and other vector-borne diseases, domestically and internationally; to develop necessary countermeasures and vaccines, including the development and purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, and administrative activities; for carrying out section 501 of the Social Security Act; and for carrying out sections 330 through 336 and 338 of the PHS Act: *Provided*, That funds appropriated in this paragraph may be used to procure security countermeasures (as defined in section 319F–2(c)(1)(B) of the PHS Act): *Provided further*, That paragraphs (1) and (7)(C) of subsection (c) of section 319F–2 of the PHS Act, but no other provisions of such section, shall apply to such security countermeasures procured with funds appropriated in this paragraph: *Provided further*, That products purchased with funds appropriated in this paragraph may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That funds appropriated in this paragraph may be transferred to the fund authorized by section 319F–4 of the PHS Act: *Provided further*, That of the funds appropriated under this heading, $75,000,000, in addition to the purposes specified above, shall also be available for necessary expenses for support to States, territories, tribes, or tribal organizations with active or local transmission cases of the Zika virus, as confirmed by the Centers for Disease Control and Prevention, to reimburse the costs of health care for health conditions related to the Zika virus, other than costs that are covered by private health insurance, of which not less than $60,000,000 shall be for territories with the highest rates of Zika transmission: *Provided further*, That of the funds appropriated under this heading, $20,000,000 shall be awarded, notwithstanding section 502 of the Social Security Act, for projects of regional and national significance in Puerto Rico and other territories authorized under section 501 of the Social Security Act: *Provided further*, That of the funds appropriated under this heading, $40,000,000 shall be used to expand the delivery of primary health services authorized by section 330 of the PHS Act in Puerto Rico and other territories: *Provided further*, That of the funds appropriated under this heading, $6,000,000 shall, for purposes of providing primary health services in areas affected by Zika virus or other vector-borne diseases, be used to assign National Health Service Corps (''NHSC'') members to Puerto Rico and other territories, notwithstanding the assignment priorities and limitations in or under sections 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and to make NHSC Loan Repayment Program awards under section 338B of such Act: *Provided further*, That for purposes of the previous proviso, section 331(a)(3)(D) of the PHS Act shall be applied as if the term ''primary health services'' included health services regarding pediatric subspecialists: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

DIRECT HIRES

SEC. 101. Funds appropriated by this title may be used by the heads of the Department of Health and Human Services, Department of State, and the United States Agency for International Development to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to Zika response for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

TRANSFER AUTHORITIES

SEC. 102. Funds appropriated by this title may be transferred to, and merged with, other appropriation accounts under the headings ''Centers for Disease Control and Prevention'', ''Public Health and Social Services Emergency Fund'', and ''National Institutes of Health'' for the purposes specified in this title following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this title may be transferred pursuant to the authority in section 205 of division H of Public Law 114–113 or section 241(a) of the PHS Act.

REPORTING REQUIREMENTS

SEC. 103. Not later than 30 days after enactment of this Act, the Secretary of Health and Human Services shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 104. Of the funds appropriated by this title under the heading ''Public Health and Social Services Emergency Fund'', up to—

(1) $500,000 shall be transferred to, and merged with, funds made available under the heading ''Office of the Secretary, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of Health and Human Services shall consult with the Committees on Appropriations prior to obligating such funds: *Provided further*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) $500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Comptroller General shall consult with the Committees on Appropriations prior to obligating such funds.

TITLE II

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for fiscal year 2016 for ''Diplomatic and Consular Programs'', $14,594,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such funds may be made available for medical evacuation costs of any other department or agency of the United States under Chief of Mission authority, and may be transferred to any other appropriation of such department or agency for such costs: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for fiscal year 2016 for ''Emergencies in the Diplomatic and

Consular Service'', $4,000,000 for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REPATRIATION LOANS PROGRAM ACCOUNT

For an additional amount for fiscal year 2016 for ''Repatriation Loans Program Account'' for the cost of direct loans, $1,000,000, to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases, to remain available until September 30, 2017: *Provided*, That such costs, including costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds are available to subsidize an additional amount of gross obligations for the principal amount of direct loans not to exceed $1,880,406: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for fiscal year 2016 for ''Operating Expenses'', $10,000,000, to remain available until September 30, 2017, for necessary expenses to support response efforts related to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH PROGRAMS

For an additional amount for fiscal year 2016 for ''Global Health Programs'', $145,500,000, to remain available until September 30, 2017, for necessary expenses to prevent, prepare for, and respond to the Zika virus, health conditions related to such virus, and other vector-borne diseases: *Provided*, That funds appropriated under this heading shall be made available for vector control activities, vaccines, diagnostics, and vector control technologies: *Provided further*, That funds appropriated under this heading may be made available as contributions to the World Health Organization, the United Nations Children's Fund, the Pan American Health Organization, the International Atomic Energy Agency, and the Food and Agriculture Organization: *Provided further*, That funds made available under this heading shall be subject to prior consultation with the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available for the Grand Challenges for Development program: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

TRANSFER AUTHORITIES

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. (a) Funds appropriated by this title under the headings ''Diplomatic and Consular Programs'', ''Emergencies in the Diplomatic and Consular Service'', ''Repatriation Loans Program Account'', and ''Operating Expenses'' may be transferred to, and merged with, funds appropriated by this title under such headings to carry out the purposes of this title.

(b) The transfer authorities provided by this section are in addition to any other transfer authority provided by law.

(c) Upon a determination that all or part of the funds transferred pursuant to the authorities provided by this section are not necessary for such purposes, such amounts may be transferred back to such appropriations.

(d) No funds shall be transferred pursuant to this section unless at least 5 days prior to making such transfer the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing of the details of any such transfer.

NOTIFICATION REQUIREMENT

SEC. 202. Funds appropriated by this title shall only be available for obligation if the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, notifies the Committees on Appropriations in writing at least 15 days in advance of such obligation.

CONSOLIDATED REPORTING REQUIREMENT

SEC. 203. Not later than 30 days after enactment of this Act and prior to the initial obligation of funds made available by this title, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a consolidated report to the Committees on Appropriations on the anticipated uses of such funds on a country and project basis, including estimated personnel and administrative costs: *Provided*, That such report shall be updated and submitted to the Committees on Appropriations every 60 days until September 30, 2017.

OVERSIGHT

SEC. 204. Of the funds appropriated by this title, up to—

(1) $500,000 shall be transferred to, and merged with, funds available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the transfer authority provided by this paragraph is in addition to any other transfer authority provided by law; and

(2) $500,000 shall be made available to the Comptroller General of the United States, and shall remain available until expended, for oversight of activities supported with funds appropriated by this title: *Provided*, That the Secretary of State and the Comptroller General, as appropriate, shall consult with the Committees on Appropriations prior to obligating such funds.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

EXTENSION OF AUTHORITIES AND PROVISIONS

SEC. 301. Unless otherwise provided for by this division, the additional amounts appropriated pursuant to this division are subject to the requirements for funds contained in the Consolidated Appropriations Act, 2016 (Public Law 114–113).

PERSONAL SERVICE CONTRACTORS

SEC. 302. Funds made available by this division may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the purposes of titles I and II of this division, within the United States and abroad, subject to prior consultation with, and the notification procedures of, the Committees on Appropriations: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2017.

DESIGNATION RETENTION

SEC. 303. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

EFFECTIVE DATE

SEC. 304. This division shall become effective immediately upon enactment of this Act.

This division may be cited as the ''Zika Response and Preparedness Appropriations Act, 2016''.

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2017, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2016 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2016, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2016 (division A of Public Law 114–113), except section 728.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (division B of Public Law 114–113).

(3) The Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2016 (division D of Public Law 114–113).

(5) The Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114–113), which for purposes of this Act shall be treated as including section 707 of division O of Public Law 114–113.

(6) The Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114–113).

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016 (division G of Public Law 114–113).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2016 (division H of Public Law 114–113).

(9) The Legislative Branch Appropriations Act, 2016 (division I of Public Law 114–113).

(10) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2016 (division K of Public Law 114–113), except title IX.

(11) The Transportation, Housing and Urban Development, and Related Agencies

Appropriations Act, 2016 (division L of Public Law 114–113), except section 420.

(b) The rate for operations provided by subsection (a) is hereby reduced by 0.496 percent.

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for: (1) the new production of items not funded for production in fiscal year 2016 or prior years; (2) the increase in production rates above those sustained with fiscal year 2016 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2016.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2016.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2017, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this Act; (2) the enactment into law of the applicable appropriations Act for fiscal year 2017 without any provision for such project or activity; or (3) December 9, 2016.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2017 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2016, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2016, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2016 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2016, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. (a) Each amount incorporated by reference in this Act that was previously designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A) of such Act or as being for disaster relief pursuant to section 251(b)(2)(D) of such Act, respectively.

(b) The reduction in section 101(b) of this Act shall not apply to—

(1) amounts designated under subsection (a) of this section;

(2) amounts made available by section 101(a) by reference to the second paragraph under the heading ''Social Security Administration—Limitation on Administrative Expenses'' in division H of Public Law 114–113; or

(3) amounts made available by section 101(a) by reference to the paragraph under the heading ''Centers for Medicare and Medicaid Services—Health Care Fraud and Abuse Control Account'' in division H of Public Law 114–113.

(c) Section 6 of Public Law 114–113 shall apply to amounts designated in subsection (a) for Overseas Contingency Operations/Global War on Terrorism.

SEC. 115. During the period covered by this Act, discretionary amounts appropriated for fiscal year 2017 that were provided in advance by appropriations Acts covered by section 101 of this Act shall be available in the amounts provided in such Acts, reduced by the percentage in section 101(b).

SEC. 116. (a) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Secretary of Health and Human Services to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), at a rate for operations of $17,000,000.

(b) In addition to the amounts otherwise provided by section 101, and notwithstanding section 104, an additional amount is provided to the Attorney General to carry out the authorizations in the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), at a rate for operations of $20,000,000.

(c) Notwithstanding any other provision of this Act, in addition to the purposes otherwise provided for amounts that become available on October 1, 2016, under the heading ''Department of Veterans Affairs—Veterans Health Administration—Medical Services'' in division J of Public Law 114–113, such amounts shall be used to implement the Jason Simcakoski Memorial and Promise Act (title IX of Public Law 114–198) and the amendments made by that Act.

SEC. 117. Notwithstanding section 101, amounts are provided for ''Department of Agriculture—Domestic Food Programs—Food and Nutrition Service—Commodity Assistance Program'' at a rate for operations of $310,139,000, of which $236,120,000 shall be for the Commodity Supplemental Food Program.

SEC. 118. Amounts provided by section 111 to the Department of Agriculture for ''Corporations—Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses'' may be used, prior to the completion of the report described in section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11), to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, as reflected in the June 2016 report of its financial condition.

SEC. 119. Amounts made available by section 101 for ''Department of Agriculture—Rural Housing Service—Rental Assistance Program'' may be apportioned up to the rate for operations necessary to pay ongoing debt service for the multi-family direct loan programs under sections 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484 and 1485).

SEC. 120. Section 529(b)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360ff(b)(5)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2016''.

SEC. 121. Notwithstanding sections 101 and 102, within amounts provided for ''Department of Defense—Operation and Maintenance, Defense-Wide'' and ''Department of Defense—Research, Development, Test and Evaluation, Defense-Wide'', except for amounts designated for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Secretary of Defense may develop, replace, and sustain Federal Government security and suitability background investigation information technology system requirements of the Office of Personnel Management at a rate for operations of $95,000,000.

SEC. 122. Section 1215(f)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 113 note), as most recently amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), shall be applied by substituting ''2017'' for ''2016'' through the earlier of the date specified in section 106(3) of this Act or the date of the enactment of an Act authorizing appropriations for fiscal year 2017 for military activities of the Department of Defense.

SEC. 123. (a) Funds made available by section 101 for ''Department of Energy—Energy

Programs—Uranium Enrichment Decontamination and Decommissioning Fund'' may be apportioned up to the rate for operations necessary to avoid disruption of continuing projects or activities funded in this appropriation.

(b) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 3 days after each use of the authority provided in subsection (a).

SEC. 124. (a) Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds under the heading ''District of Columbia Funds'' for such programs and activities under the District of Columbia Appropriations Act, 2016 (title IV of division E of Public Law 114–113) at the rate set forth under ''Part A—Summary of Expenses'' as included in the Fiscal Year 2017 Local Budget Act of 2016 (D.C. Act 21–414), as modified as of the date of the enactment of this Act.

(b) During the period in which this Act is in effect, the authority and conditions provided in the Financial Services and General Government Appropriations Act, 2016 (division E of Public Law 114–113) which were applicable to the obligation or expenditure of funds by the District of Columbia for any program, project, or activity during fiscal year 2016 shall apply to the obligation or expenditure of funds by the District of Columbia with respect to such program, project, or activity under any authority.

SEC. 125. (a) Notwithstanding section 101, amounts are provided for ''General Services Administration—Expenses, Presidential Transition'' for necessary expenses to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note), at a rate for operations of $9,500,000, of which not to exceed $1,000,000 is for activities authorized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*, That such amounts may be transferred and credited to the ''Acquisition Services Fund'' or ''Federal Buildings Fund'' to reimburse obligations incurred prior to enactment of this Act for the purposes provided herein related to the Presidential election in 2016: *Provided further*, That amounts available under this section shall be in addition to any other amounts available for such purposes.

(b) Notwithstanding section 101, no funds are provided by this Act for ''General Services Administration—Pre-Election Presidential Transition''.

SEC. 126. Notwithstanding section 101, for expenses of the Office of Administration to carry out the Presidential Transition Act of 1963, as amended, and similar expenses, in addition to amounts otherwise appropriated by law, amounts are provided to ''Presidential Transition Administrative Support'' at a rate for operations of $7,582,000: *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

SEC. 127. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''District of Columbia—Federal Payment for Emergency Planning and Security Costs in the District of Columbia'' for costs associated with the Presidential Inauguration, at a rate for operations of $19,995,000.

SEC. 128. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''National Archives and Records Administration—Operating Expenses'' to carry out the Presidential transition responsibilities of the Archivist of the United States under sections 2201 through 2207 of title 44, United States Code (commonly known as the ''Presidential Records Act of 1978''), at a rate for operations of $4,850,000.

SEC. 129. Amounts made available by section 101 for ''Small Business Administration—Business Loans Program Account'' may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

SEC. 130. Amounts provided by section 101 for the Department of Homeland Security may be obligated in the account and budget structure set forth in the table provided by the Chief Financial Officer of the Department to the Committees on Appropriations of the Senate and the House of Representatives prior to the end of fiscal year 2016 pursuant to section 563(e) of the Department of Homeland Security Appropriations Act, 2016 (division F of Public Law 114–113).

SEC. 131. (a) Amounts made available by section 101 for ''Department of Homeland Security—U.S. Customs and Border Protection—Operations and Support'' may be apportioned up to the rate for operations necessary to maintain not less than the number of staff achieved on September 30, 2016.

(b) Amounts made available by section 101 for ''Department of Homeland Security—Transportation Security Administration—Operations and Support'' may be apportioned up to the rate for operations necessary to maintain not less than the number of screeners achieved on September 30, 2016.

SEC. 132. The authority provided by section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall continue in effect through the date specified in section 106(3) of this Act.

SEC. 133. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking ''September 30, 2017'' and inserting ''September 30, 2018''.

SEC. 134. (a) The authority provided by subsection (m)(3) of section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note; Public Law 106–79) shall continue in effect through the date specified in section 106(3) of this Act.

(b) Section 419(b) of division G of Public Law 114–113 shall not apply during the period covered by this Act.

SEC. 135. Notwithstanding section 101, subsection 35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall be applied, at a rate for operations, through the date specified in section 106(3), as if the following new paragraph were added at the end—

''(5) There is appropriated to the Fee Account established in subsection (c)(3)(B)(ii) of this section, out of any money in the Treasury not otherwise appropriated, $26,000,000 for fiscal year 2017, to remain available until expended, for the coordination and processing of oil and gas use authorizations, to be reduced by amounts collected by the Bureau and transferred to such Fee Account pursuant to subsection (d)(3)(A)(ii) of this section, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.''.

SEC. 136. In addition to the amounts otherwise provided by section 101, an additional amount is provided for ''Department of the Interior—National Park Service—Operation of the National Park System'' for security and visitor safety activities related to the Presidential Inaugural Ceremonies, at a rate for operations of $4,200,000.

SEC. 137. In addition to amounts otherwise made available by section 101, and notwithstanding section 104, amounts are provided for ''Environmental Protection Agency—Environmental Programs and Management'' at a rate for operations of $3,000,000, to remain available until expended, and such amounts may be apportioned up to the rate for operations needed, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): *Provided*, That fees collected pursuant to such section of such Act and deposited in the ''TSCA Service Fee Fund'' as discretionary offsetting receipts in fiscal year 2017 shall be retained and used for necessary salaries and expenses under the above heading and shall remain available until expended: *Provided further*, That the sum provided by this section of this Act from the general fund for fiscal year 2017 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2017, so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0: *Provided further*, That to the extent that amounts realized from such receipts exceed $3,000,000, those amounts in excess of $3,000,000 shall be deposited in the ''TSCA Service Fee Fund'' as discretionary offsetting receipts in fiscal year 2017, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: *Provided further*, That of the amounts provided under this heading by section 101, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees made available, not less than the amount of appropriations for that program project for fiscal year 2014.

SEC. 138. Section 114(f) of the Higher Education Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by substituting the date specified in section 106(3) of this Act for ''September 30, 2016''.

SEC. 139. The first proviso under the heading ''Department of Health and Human Services—Administration for Children and Families—Payments to States for the Child Care and Development Block Grant'' in title II of division H of Public Law 114–113 shall not apply during the period covered by this Act.

SEC. 140. (a) The second proviso under the heading ''Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs'' in title II of division H of Public Law 114–113 shall be applied during the period covered by this Act as if the following were struck from such proviso: '', of which $141,000,000 shall be available for a cost of living adjustment notwithstanding section 640(a)(3)(A) of such Act''.

(b) Amounts made available in the third proviso under the heading ''Department of Health and Human Services—Administration for Children and Families—Children and Families Services Programs'' in title II of division H of Public Law 114–113 shall not be included in the calculation of the ''base grant'', as such term is used in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)), during the period described in section 106 of this Act.

SEC. 141. (a) Section 529 of division H of Public Law 114–113 shall be applied by substituting ''in the Child Enrollment Contingency Fund from the appropriation to the Fund for the first semi-annual allotment period for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the Social Security Act'' for ''or available in the Child Enrollment Contingency Fund from appropriations to the Fund under section 2104(n)(2)(A)(i) of the Social Security Act''; and

(b) Section 530 of division H of Public Law 114–113 shall be applied by substituting ''$541,900,000'' for ''$4,678,500,000'' and by adding at the end the following: ''and of the funds made available for the purposes of carrying out section 2105(a)(3) of the Social Security Act, $5,669,100,000 are hereby rescinded''.

SEC. 142. Notwithstanding any other provision of this Act, there is appropriated for

payment to Sami A. Takai, widow of Kyle Mark Takai, late a Representative from the State of Hawaii, $174,000.

SEC. 143. (a) Amounts made available by section 101 for ''Department of Transportation—Federal Railroad Administration—Operating Grants to the National Railroad Passenger Corporation'' and ''Department of Transportation—Federal Railroad Administration—Capital and Debt Service Grants to the National Railroad Passenger Corporation'' shall be obligated in the account and budget structure, and under the authorities and conditions, set forth for ''Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation'' and ''Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation'' in H.R. 5394 and S. 2844, as introduced in the One Hundred Fourteenth Congress.

(b) Amounts made available pursuant to subsection (a) are provided for ''Department of Transportation—Federal Railroad Administration—Northeast Corridor Grants to the National Railroad Passenger Corporation'' at a rate for operations of $235,000,000, to remain available until expended, and for ''Department of Transportation—Federal Railroad Administration—National Network Grants to the National Railroad Passenger Corporation'' at a rate for operations of $1,155,000,000, to remain available until expended.

SEC. 144. Amounts made available by section 101 for ''Maritime Administration—Maritime Security Program'' shall be allocated at an annual rate across all vessels covered by operating agreements, as that term is used in chapter 531 of title 46, United States Code, and the Secretary shall distribute equally all such funds for payments due under all operating agreements in equal amounts notwithstanding title 46, United States Code, section 53106: *Provided*, That no payment shall exceed an annual rate of $3,500,000 per operating agreement.

This division may be cited as the ''Continuing Appropriations Act, 2017''.

DIVISION D—RESCISSIONS OF FUNDS

SEC. 101. (a) Of the unobligated balances available from prior year appropriations under the heading ''Department of Commerce, Economic Development Administration, Economic Development Assistance Programs'' designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, $10,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Of the unobligated balances available from amounts provided under the heading ''Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'' in title II of Public Law 111–212 for responding to economic impacts of fisherman and fishery dependent businesses, $13,000,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Of the unobligated balances available from amounts provided under the heading ''Department of Homeland Security, Office of the Secretary and Executive Management'' in Public Law 109–148, $279,045 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) Of the unobligated balances available under the heading ''Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses'' from emergency funds in Public Law 107–206 and earlier laws transferred to the Department of Homeland Security when it was created in 2003, $39,246 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) Of the unobligated balances available from amounts provided under the heading ''Department of Homeland Security, United States Coast Guard, Acquisition, Construction, and Improvements'' in Public Law 110–329, Public Law 109–148 and Public Law 109–234, $48,075,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Of the unobligated balances available under the heading ''Department of Homeland Security, Federal Emergency Management Agency, Administrative and Regional Operations'' in Public Law 109–234, $731,790 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(g) Of the unobligated amounts made available under section 1323(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18043(c)(1)), $168,100,000 is rescinded immediately upon enactment of this Act.

(h) Of the unobligated balances available under the heading ''Operating Expenses'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $7,522,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(i) Of the unobligated balances of appropriations made available under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President'' in title IX of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2015 (division J of Public Law 113–235), $109,478,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(j) Of the unobligated balances available from amounts provided under the heading ''Department of Transportation, Federal Aviation Administration, Facilities and Equipment'' in Public Law 109–148, $4,384,920 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(k) Of the unobligated balances available from amounts provided under the heading ''Department of Transportation, Federal Aviation Administration, Facilities and Equipment'' in Public Law 102–368, $990,277 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(l) Of the unobligated balances available to the Department of Transportation from amounts provided under section 108 of Public Law 101–130, $37,400,000 is rescinded immediately upon enactment of this Act: *Provided*, That such amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 102. The first sections 1 through 6 and divisions A through D of the ''Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and Zika Response and Preparedness Act'' shall have no force or effect.

SA 5104. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. QUORUM REQUIREMENT FOR BOARD OF DIRECTORS OF EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) IN GENERAL.—Notwithstanding section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)), not more than 2 ex officio members of the Board of Directors of the Export-Import Bank of the United States shall be counted toward a quorum only for the purposes of decisions of the Board regarding loans, guarantees, insurance, credits, and other financing activities of the Bank, during the period that begins on the date of the enactment of this Act, and ends on September 30, 2017, if, during that period, there are fewer than 3 individuals holding office on the Board who were appointed to the Board by the President.

(b) EX OFFICIO BOARD MEMBER DEFINED.—In this section, the term ''ex officio Board member'' means an individual who—

(1) holds a position, identified in section 1 of article I of the bylaws of the Export-Import Bank of the United States, for which the individual serves as an ex officio member of the Board of Directors of the Bank; and

(2) has been confirmed by the Senate to that position.

SEC. ___. INTERNET DOMAIN NAME SYSTEM FUNCTIONS.

(a) Notwithstanding subsection (b) of section 539 of division B of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2332), subsection (a) of that section shall continue in effect through September 30, 2017, and shall apply to funds made available by that Act and by this Act.

(b) The Department of Commerce shall maintain and not relinquish, terminate, lapse, cancel, or otherwise cease responsibilities held at any time during fiscal year 2016 with respect to Internet domain name system functions, including responsibility with respect to the authoritative root zone file and the Internet Assigned Numbers Authority functions, through September 30, 2017.

(c) This section shall take effect on the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 27, 2016, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 27, 2016, at 10 a.m., in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled ''Oversight of the Federal Trade Commission.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 27, 2016, at 10 a.m., to conduct a hearing entitled ''Fifteen Years After 9/11: Threats to the Homeland.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREGN RELATIONS

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 27, 2016, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. CAPITO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 2016, at 10 a.m., in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 110–315, announces the reappointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Paul LeBlanc of New Hampshire.

ORDERS FOR WEDNESDAY, SEPTEMBER 28, 2016

Mr. BOOZMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, September 28; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.R. 5325 until 10 a.m.; finally, that at 10 a.m., the Senate resume consideration of the veto message to accompany S. 2040, as under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BOOZMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of the Senator from Colorado, Mr. BENNET.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

NOMINATION OF MERRICK GARLAND

Mr. BENNET. Mr. President, I am privileged to be here with the Presiding Officer this evening. I thank my colleague from Arkansas for allowing me to speak at this time.

I rise to discuss the vacancy on the Supreme Court. Nearly 200 days have passed since the President nominated Judge Merrick Garland to fill the Supreme Court vacancy. Yet the majority still refuses to hold a hearing on his record or a vote on his nomination. As a result, Judge Garland is now the longest pending nominee in the Nation's history.

Next week, the Supreme Court will reconvene for a new term with one seat still vacant. I remember reading Justice Scalia's opinion in a case where he described an eight-member Court as a diminished Court. That was the language he used. We now have a Supreme Court that, not just in one term but in two terms, has been diminished by the inability of this Senate to confirm a nominee.

There is no doubt that anybody with any sense can see this has been an unconventional period in American politics, to say the least, but in many cases, the majority's refusal to even consider Judge Garland's nomination is the most egregious example of Washington dysfunction I have seen.

Within an hour of Justice Scalia's death, the majority leader unilaterally decided the Senate would not consider the President's nominee, even though 342 days remained in the President's term. By taking this unprecedented action, the majority leader hoped that the next President would nominate someone with the same originalist judicial philosophy as Justice Scalia. Indeed, that is what some of my colleagues have said. Waiting would allow the next President to ''nominate a justice who will continue Justice Scalia's unwavering belief in the founding principles we hold dear.'' Another said that we should wait so as to ''preserve the conservative legacy of the late Antonin Scalia.'' By taking this position, they have made clear that they want the next President—perhaps Donald Trump—to replace an originalist such as Antonin Scalia with another originalist. But by taking this approach, the majority leader has radically departed from the plain language of the Constitution and more than 200 years of historic precedent in this Chamber.

As an originalist—and he certainly was—Justice Scalia would interpret the Constitution by examining the meaning of the words when it was enacted.

Article II, section 2 of the Constitution states: ''[The President] shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court.'' When a vacancy arises, the President has an affirmative duty to nominate a replacement, and the Senate, in return, has an affirmative duty to advise and consent. That is what the plain language of the Constitution requires, and that is what the original meaning would have been.

But beyond the text of the Constitution, we should also consider the traditions of our predecessors in this Chamber. Members of the majority seem eager to make this point. One of our colleagues said that ''we should follow a tradition embraced by both parties and allow his successor to select the next Supreme Court Justice.'' Another said: ''There is significant precedent for holding a Supreme Court vacancy open through the end of a president's term in an election year.'' The truth is exactly the opposite. In fact, the majority's position today is absolutely unprecedented in the history of the United States or the history of the U.S. Senate.

Recently, Professors Robert Kar and Jason Mazzone combed through the history of Supreme Court nominations and Senate confirmations for a piece I believe appeared in the NYU law journal. Since the founding of the country, there have been 103 instances similar to the moment we face today, where an elected President nominated a person to fill a vacancy before the election of the successor—where an elected President nominated an individual to fill a vacancy before the election of his successor.

The professors found that in all 103 instances, the sitting President was able to both nominate and appoint a replacement Justice by and with the advice and consent of the Senate. The professors further wrote: ''This is true even of all eight such cases where the nomination process began during an election year.''

That is the history. That is the precedent. So when we hear people

come to the floor and say the customary practice has been to do this or that, it is not true. I sometimes wonder why people who are committed originalists are out here talking about the customary practice at all because it ought to be the plain meaning of the Constitution folks are following, but if we are going to talk about the customary practice, let's talk about what has actually happened rather than inventing it on the floor of the Senate.

For the last 200 days, the majority has argued we should, for the first time ever—ever—depart from this 200-year tradition. I will say this on this floor: There is nothing conservative about that position. That is a radical position, at war with the Founders' view of this. When the chairman of the Judiciary Committee said that ''the fact of the matter is that it's been standard practice''—his language—''to not confirm Supreme Court nominees during a presidential election year,'' he was incorrect.

The fact is, the standard practice in the Senate is just as clear as the plain text and the original meaning. If the sitting President nominates an individual to fill a Supreme Court vacancy, the Senate acts with an up-or-down vote.

I should say I am not here to say anybody should vote for the nominee. That is a matter of conscience for every single Member of the Senate, but our job is to have a vote. When Members of the majority say things like, ''It's been 80 years since any President was permitted to immediately fill a vacancy that arose in a presidential election year,'' they fail to mention that in the past 80 years a vacancy has not arisen on the Supreme Court in an election year at all.

The 80-year time period the majority highlights is precisely the 80-year period in which no Supreme Court vacancies occurred during an election year. If you go back just one more election—84 years ago—you will find a case from 1932 that is very similar to ours today. On February 25 of that election year, President Hoover nominated Benjamin Cardozo to replace Justice Holmes on the Supreme Court. The Senate confirmed Cardozo 9 days later.

So when Senators come to the floor and say we have an 80-year precedent of not confirming Justices at this moment in a President's term, that is only because there hasn't been a vacancy. I might as well say we have an 84-year precedent where we do confirm Justices in the last year because that is what happened 84 years ago with Justice Cardozo.

The Senate also confirmed three other Supreme Court nominees in election years in the 20th Century—twice in 1916 and once in 1912. So I can extend my 84-year precedent farther back into history.

Through their research, Professors Kar and Mazzone found only six cases where the Senate acted consistent with today's majority—to deliberately ignore the President's nominee for a Supreme Court vacancy and wait for the successor—but none of these cases is analogous in any way to the vacancy we face in this Senate.

In those six cases, there were questions about the sitting President's legitimacy, either because that President had assumed office by succession, unlike the current President, who was elected to the Presidency and then reelected to the Presidency, or because the nominations came after the election of the next President, which we know is not the case today because the vacancy occurred 340 or so days before the end of the President's term, and anybody watching television last night would know we have yet to select the next President of the United States.

What is amazing is that even in the remaining 13 cases, where there was some question about legitimacy or it was after the successor had been elected, the Senate still confirmed a majority of the President's nominees. Six were the minority, where they weren't confirmed. The rest they confirmed.

To suggest this President, whom the American people elected twice, should not be able to fill a Supreme Court vacancy is a radical departure from the Constitution's text and the Senate's historical practice. As the professors conclude, the majority's actions are ''unprecedented in the history of Supreme Court appointments.''

Whether by interpreting the original meaning of the Constitution or by following standard practice, every other Senate has acted, not by refusing to consider the nomination or stalling until after an election or waiting for the next President to make a nomination but by having a debate in full view of the American people and to give the nominee an up-or-down vote.

As I said earlier, of course the majority can withhold its consent by voting no. That is their constitutional prerogative. That is what it did in 1987, when the full Senate voted against Robert Bork, even after the Judiciary Committee conducted full hearings and a majority voted against his nomination.

The Constitution doesn't say the Judiciary Committee shall advise and consent. It says the Senate shall advise and consent, and that is what a majority of the Senate did in 1795, when it rejected George Washington's nomination of Justice John Rutledge as Chief Justice. By the way, that Senate—which unlike ours actually included some of the Framers who wrote the Constitution—went on to confirm three nominees, all in the fourth year of George Washington's second term—all in the eighth year that George Washington was President.

This was true in 1968, when there were serious concerns about President Johnson's nominee, Justice Abe Fortas, to replace the outgoing Chief Justice. Even then, in President Johnson's final months in office, the Senate held confirmation hearings and floor debates. The Senate had a full and public debate on the merits of the nominee.

In fact, as the professors found, only 12 nominations out of 160 over the entire course of the history of the United States failed to reach the Senate floor. Most of these were made near the end of a legislative session or were later withdrawn by the President, but in every other instance, the Senate brought the nomination to the Senate floor for a full debate and consideration.

If today's majority is concerned with the American people having a voice on who the next Supreme Court Justice is, we should follow our ordinary procedures and allow our representatives in the Senate to consider the merits of the President's nominee. We have denied the American people a debate in a runup to an election. When we should be debating what the composition of the Supreme Court should look like, when we should be debating what is at stake in this Presidential election, our floor is empty.

I say, again, this action has been taken in the name of conservatism. There is nothing conservative about this—nothing. This is a radical departure from standard practice. It is a threat to our democracy. It is a threat to judicial oversight. It is a threat to the rule of law. It is lawless.

What makes this even worse is that the majority's failure to fulfill our constitutional responsibilities isn't even about policy, it is about politics. It is about rolling the dice on an election, instead of following the plain text of the Constitution and more than two centuries of Senate tradition in the history of the United States.

We have had more than enough time to consider the merits of Judge Garland's nomination. The American people have watched the U.S. Senate take the entire summer off and not do our job. In fact, as some of my colleagues have noted, this Senate has worked fewer days this year than any Senate in 60 years, and a lot of those Senates didn't have a Supreme Court vacancy to fill.

By refusing to consider the President's Supreme Court nominee for nearly 200 days, the majority is creating, I fear—I hope not—a new precedent, one that threatens to shape future vacancies to the Court and further politicizes the one branch of our government that is meant to be above the partisan bickering that has paralyzed this institution.

It is one thing for people in this body to drive the approval rating of the U.S. Congress down to 9 percent, and that is a feat—that is a feat—but to denigrate another institution of government this cavalierly for politics is wrong.

The longer this vacancy remains, the more uncertainty and confusion the American people will suffer. Petty politics is now jeopardizing, as I said earlier, not just one but two terms of the Supreme Court. We have to reject this unprecedented abdication of our most

basic constitutional obligation. This is one of those things that is written in the Constitution, and there is no one else assigned the duty of doing it other than the Senate. The House has no responsibility.

Some people here have said let the people decide. As I said earlier, the best way of letting the people decide is by having an open debate in the Senate. But the Constitution doesn't actually say let the people decide, it sets up what we ought to be doing.

I fear that if we start here, where will it end? If a President can't have his nominee considered over 300 days from an election, why not 2 years or 4 years from an election? Why not routinely hobble the Supreme Court until you get your way, until you have your President and your majority? Until then, we will not do the American people's business.

Even if the Constitution does not in fact oblige us to consider President Obama's nominee, it is, nevertheless, it seems to me, our duty as responsible public servants to do so and the American people's obligation to hold elected officials accountable and demand a full, functioning judiciary.

Believe me, I know it has become fashionable for Washington to tear down rather than work to improve the democratic institutions generations of Americans have built, but as I said, to impair so cavalierly the judicial branch of our government is unacceptable. It doesn't meet the standard of a great nation or a great parliamentary body. Comity and cooperation will not be restored overnight or with a single decision in this Senate. It has taken far too long for us to travel down this destructive road to deadlock, ideological rigidity, and bitter partisanship. Even with all of that, the least we could do is follow centuries of tradition and practice, preserve the judiciary from the partisanship that has paralyzed much of the other two branches, and act as conservatives by fulfilling one of our most fundamental duties as elected representatives.

It is long past time for the Senate to do its job, as every Senate before us since its founding has done.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. DAINES). The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:44 p.m., adjourned until Wednesday, September 28, 2016, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JULIE REBECCA BRESLOW, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RHONDA REID WINSTON, RETIRED.

DEBORAH J. ISRAEL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE MELVIN R. WRIGHT, RETIRED.

CARMEN GUERRICAGOITIA MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE STUART GORDON NASH, RETIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL A. STADER

EXTENSIONS OF REMARKS

MENTAL HEALTH FIRST AID ACT OF 2016

SPEECH OF

HON. EARL L. "BUDDY" CARTER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2016

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of H.R. 1877, the Mental Health First Aid Act of 2015. This act would amend the Public Health Service Act to finance, through grants, mental health first aid programs and would codify the type of training to be included as part of those programs. Mental health is an issue that Congress has attempted to address for years, and this is a great step in the right direction. As a healthcare professional, I have seen firsthand the multitude of issues plaguing mental health patients and the lack of training associated with properly addressing those symptoms and ailments.

This bill also addresses the personnel who should be trained under this program to include law enforcement, first responders, teachers, human resources professionals, religious leaders, nurses and other primary care personnel. By training and assisting those people who would be the first to help someone who is experiencing mental health issues, they can diagnose and properly refer them to professional mental health care providers.

Learning to de-escalate situation is an integral part of this legislation, and to helping those with mental health issues because it prepares first responders on how to safely look after both the patient and others in the immediate area. Mental health is an issue that often flies under the radar, but one we can make serious advances in taking up. I want to thank Congresswoman JENKINS and the Energy and Commerce Committee for their hard work and for bringing this to the floor for a vote. Together, we can shine a light on mental health needs. I urge my colleagues to support this bill.

COAST GUARD AND MARITIME TRANSPORTATION AMENDMENTS ACT OF 2016

SPEECH OF

HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2016

Mr. GARAMENDI. Mr. Speaker, I include in the RECORD the following materials:

STATEMENT FROM DHS PRESS SECRETARY LAURA KEEHHNER ON THE ADOPTION OF NATIONAL BACKUP SYSTEM TO GPS

(February 7, 2008)

Today the U.S. Department of Homeland Security will begin implementing an independent national positioning, navigation and timing system that complements the Global Positioning System (GPS) in the event of an outage or disruption in service.

The enhanced Loran, or eLoran, system will be a land-based, independent system and will mitigate any safety, security, or economic effects of a GPS outage or disruption. GPS is a satellite-based system widely used for positioning, navigation, and timing. The eLoran system will be an enhanced and modernized version of Loran-C, long used by mariners and aviators and originally developed for civil marine use in coastal areas.

In addition to providing backup coverage, the signal strength and penetration capability of eLoran will provide support to first responders and other operators in environments that GPS cannot support, such as under heavy foliage, in some underground areas, and in dense high-rise structures. The system will use modernized transmitting stations and an upgraded network.

NATIONAL PNT ADVISORY BOARD COMMENTS ON JAMMING THE GLOBAL POSITIONING SYSTEM—A NATIONAL SECURITY THREAT: RECENT EVENTS AND POTENTIAL CURES

(November 4, 2010)

Summary: The United States is now critically dependent on GPS. For example, cell phone towers, power grid synchronization, new aircraft landing systems, and the future FAA Air Traffic Control System (NEXGEN) cannot function without it. Yet we find increasing incidents of deliberate or inadvertent interference that render GPS inoperable for critical infrastructure operations.

Most alarming, the very recent web availability of small GPS-Jammers suggests the problem will get worse. These so-called personal protection devices (PPDs) as well as other, readily available, more powerful devices can deliberately jam the Global Positioning System (GPS) signal over tens of square miles. They also can be devastating to the other, new foreign satellite navigation systems being deployed worldwide.

PPDs are illegal to operate, but many versions are available (for as little as $30) from foreign manufacturers over the Internet. The simplest models plug in to a cigarette lighter and prevent all GPS reception within a line of sight range of 5 to 10 miles. Current penalty for operation is simply that the device is confiscated.

We currently lack sufficient capabilities to locate and mitigate GPS jamming. It literally took months to locate such a device that was interfering with a new GPS-based landing system being installed at Newark Airport, NJ.

This paper provides background on satellite navigation and describes the impact of these dangerous PPDs and other disruptive radio frequency interference (Jamming). It also suggests needed action and discusses technical measures needed to harden GPS receivers against PPDs. The PNT Advisory Board believes that countermeasures and actions must be urgently developed.

We strongly believe that the Executive Branch should formally declare GPS a ''Critical Infrastructure.'' But that is clearly only the first action and is by no means sufficient. A multiple agency approach must be urgently developed and executed.

We must quickly develop and field systems that will rapidly locate, mitigate and shutdown the interference. In addition, laws are needed with the power to arrest and prosecute deliberate offenders. [This would be similar to legal action in response to the recent spate of laser attacks on pilots in flight].

Finally, we discuss the need for alternate navigation systems such as eLoran or a backup system currently being configured by the Federal Aviation Administration (FAA). While the foreign GPS-equivalent systems may offer some help against accidental interference, web sites are already offering devices that will effectively shut down all satellite-based radio navigation signals.

Note that all of these actions and jamming countermeasures tend to deter those who would deliberately interfere with the signals.

Specific Recommendations:

1. National Focus.

GPS should be formally declared critical infrastructure by Executive Branch and managed as such by DHS.

2. National Alerting and Pinpointing Interference Locations.

The National Executive Committee should establish and sponsor a National GPS Interference Locating, Reporting, and Elimination System; coordinating and expanding on the resources of several Departments.

3. Shutting Down and Prosecuting Interferers—

Legal and Law Enforcement actions. The National Executive Committee should examine whether or not they should sponsor Legislation in Congress that addresses interference to GPS that provides substantial fines and jail time for both possession and use of GPS jammers.

4. Hardening GPS Receivers and Antennas.

Government should foster and help to stimulate Manufacturers to speed up the development and offering of interference resistant GPS receivers, especially for safety-of-life applications such as commercial air and maritime.

5. Fund a National back-up capability to insure continuity of PNT Operations.

We strongly recommend that the previously announced decision (to deploy eLoran as the primary Alternate PNT) should be reconfirmed and quickly implemented.

We support the FAA's efforts to provide Alternate PNT options that can provide a robust backup to GPS and deter malicious interference.

JUSTIFICATION AND RATIONALE

Background

The utility of GPS continues to increase with an ever-broadening set of applications including military use, aircraft guidance, harbor navigation, car navigation, emergency response and personal navigation. It is now estimated there are close to one billion users.

GPS is a one-way system; it broadcasts line-of-sight signals from a set of satellites in medium earth orbit (MEO) to the earthbound users carrying GPS receivers. The satellites are approximately 12,000 miles above the receivers. These satellites are placed at this altitude, so that the coverage of an individual satellite is over one third of the Earth's surface. With 30 satellites carefully arranged in MEO, all earthbound users of GPS (with a clear view of the sky) can see at least the prerequisite four satellites to determine user location instantaneously. MEO is used so that a reasonably sized constellation can aid navigation worldwide. Lower orbits would require much larger constellations for worldwide instantaneous coverage.

For the reason described above, all GNSS satellites are placed in medium earth orbit (MEO). However, because the journey from MEO to the surface of the earth is 12,000 miles long, the GNSS signals are weak. They have a received power of only 10^{-16} Watts (equivalent to a Los Angeles user receiving the light from 60 watt lightbulb in New York), and can be easily overwhelmed by earth-sourced interfering transmissions at the GPS frequency. As described below, this radio frequency interference (RFI) can be: scheduled, accidental, or malevolent.

Critical Dependency on GPS

Much of our infrastructure is critically dependent on Positioning and Time from GPS. Two such dependencies illustrate this.

First, most telephone cell towers require GPS time to insure they are synchronized and cooperate. Recent instances of jamming in New York have rendered whole neighborhoods without cell service including Emergency Service Providers.

A Second example is the use of GPS for Aircraft Approach to Landing Fields. These GPS-based systems are being deployed and are particularly useful at airports where good alternatives are not available such as at Aspen, CO and Juneau, AK. There are now more FAA-sanctioned GPS approaches than the older beam-steering type. (Over 2000 GPS approaches). The value of these systems is enormous but the vulnerability is not universally appreciated: it took over a month to locate the deliberate small Jammer that was periodically driven by Newark airport. This example is particularly pertinent because the FAA's NextGen Air Traffic Control System is critically dependent on GPS. Proliferated Jammers would cripple the new system which is expected to greatly reduce aircraft delays.

Other Applications: GPS as a ''Stealth'' Utility. GPS has been aptly called the Stealth Utility. There are literally 100s of additional application examples. Some are safety-of-life (e.g., air and marine), some are startling productivity improvements (e.g., agriculture) and some are simply convenience or recreation (e.g., car navigation). It is now estimated that there are close to 1 Billion GPS receivers worldwide.

The GPS Jamming Threat

Scheduled RFI is probably the largest cause of GPS outages today. The military testing of GPS jamming causes these outages. The events are localized (usually in the Southwestern US), scheduled (during periods of light air traffic), and approved/coordinated by the Federal Aviation Administration. The FAA announces all upcoming events in Notices to Airmen. Because of the ever-greater Airway-Dependency on GPS, the FAA is increasingly reluctant to grant permission for these tests.

Accidental RFI has certainly interfered with GPS countless times, both domestically and internationally. Most events are probably not reported. The user who is denied service may not even know to whom it should be reported. These disruptive events include unintentional interference due to harmonics from broadcast television, and improperly designed wireless data communication systems.

Deliberate interference, called jamming, is the looming threat. Many of the billion GPS users have become extremely dependent on GPS accuracy, 24 hour availability, and outstanding integrity. This dependency makes GPS a very appealing target for sabotage or malicious mischief.

This white paper is a plea that the National Decision Makers address this situation.

Deliberate Jamming: the so-called ''Personal Privacy Devices''

In the past year, so-called personal privacy devices (PPDs) have become widely available on the Internet. A simple example of such products is shown in Figure 1. The most inexpensive PPDs are single antenna devices that jam the one GPS signal frequency (L1) that is used by most users. More expensive units have multiple antennas and attack all three GPS signal frequencies (L1, L2 and L5). As such, these attackers anticipate the next generation of GPS user equipment that would continue to function if only one or two of the three frequencies were jammed. Others PPDs jam cell phone frequencies at the same time, shutting down all calls. They are preferred by car thieves that wish to prevent an on-car warning systems to report the location of a stolen car to the authorities using a GPS receiver connected to a cell phone link.

As shown in Figure 2 (Eldredge, 2010), PPDs range in price from $30 to over $300 based on the number of frequencies under attack and the transmitted power. Some radiate only a few milli-watts and other broadcast several watts. The former knock out GPS receivers for hundreds of yards, and the latter can have dangerous effects for many miles.

As their name suggests, PPDs are marketed to individuals that fear for their privacy. This sales strategy seems to be effective. An investigation recently initiated by the FAA revealed that trucks traveling on the New Jersey Turnpike were carrying these devices. Perhaps, these drivers worry that the company dispatcher was monitoring their locations. Ironically, the attention of the dispatcher must be drawn to the truck that never provides location reports.

Jamming Examples—the threat is real and getting worse.

Newark Airport. In any event, a PPD can cause collateral damage much greater than any privacy protection the user may possible enjoy. The above-mentioned FAA investigation was sparked while the FAA was installing a new GPS-based landing system for aircraft at Newark International Airport. This new system uses GPS receivers on the ground to aid GPS receivers in the approaching aircraft. This technique allows the use of all runways during restricted visibility conditions. The antennas for the FAA's ground receivers are shown in Figure 3 (Eldredge, 2010), which also shows the proximity to the New Jersey Turnpike. During system test, the FAA noticed that the GPS ground receivers suffered one or two breaks in reception on many days. PDDs were identified as the cause of the continuity breaks after an investigation that lasted several months. If PPDs gain notoriety, they could gain the interest of hackers. These people may not be particularly worried about their location privacy, but may simply enjoy the notion of jamming GPS over wide areas.

Military—North Korean Incident. Malevolent RFI is known as jamming. Enemy Jammers were deployed in Iraq to interfere with US weapons systems during Operation Desert Storm. Most recently, military analysts have expressed concern about recent GPS jammers tested by the North Koreans. (Telematics, 2010). On August 23 and 25 of this year, jamming signals emanating from the North Korean city of Kaesong. These attacks interfered with South Korean GPS military and civilian receivers on land and at sea. Officials say the jammers were repeatedly switched on for 10-minute periods over a number of hours during the three days. South Korea's defense minister, Kim Tae-young, voiced concern to members of the National Assembly. He correctly observed that the North Koreans can mount transmitters on vehicles that can jam GPS signals within a 50 to 100 kilometer radius. Professor Park Young-wook, with Kwangwoon University's Defense Industry Research Institute, states that such jamming must be considered a serious threat if it reoccurs because GPS is an integral part of the infrastructure, not only for the military but for many other industries.

We certainly share the concerns voiced by Minister Tae-young and Professor Youngwook. However, we feel that the greater danger is posed by the propagation of GPS jamming technology to the wider public through devices sold on the Internet. These threats were described earlier.

Maritime Controlled-Jamming Experiments. Until recently, GPS receivers for non-aviation purposes have not enjoyed the scrutiny or extensive testing used by the aviation community. Because of their designs and clear line-of sight exposure, Maritime receivers can certainly be more vulnerable then aviation receivers. The following figures (Last, 2010) depict some disquieting results from recent trials conducted by the General Lighthouse Authorities (GLA) of the United Kingdom and Ireland.

During these trials, a jammer was deployed shown in Figure 4. As shown in Figure 5, this jammer had a devastating effect on the shipborne GPS receiver carried through the jamming zone. The receiver reports a faithful position track (in light blue) when the ship is far to the Northwest or far to the Southeast of the jamming wedge.

Within the wedge, the receiver is overwhelmed and reports no position fix—the jammer breaks GPS continuity. GPS shows no solution. As the receiver approaches or has just departed the wedge, an extremely hazardous result occurs. The receiver suffers large position errors without an accompanying warning—integrity is broken. This is shown as the string of dots to the south and to the southeast of the actual blue track. These last results are most troubling, because the bridge personnel would not be warned that the navigation system was degraded.

In another set of trials, the GLA placed a low power jammer on board the Trinity House Vessel Galatea. As shown in Figure 6, this jammer induced position reports that skipped across Scandinavia and Ireland while the ship sat steadfastly in the English Channel (the yellow track). Among the systems affected by the interference were the ship's radar and gyrocompass, key reversionary systems when GPS fails.

The worrisome results shown in Figures 5 and 6 would not affect an aviation receiver, because aviation standards insist on an internal set of tests (algorithms) for RFI. We later recommend that these algorithms or equivalents become part of the standards for receivers used in any safety-of-life applications.

Recommended Actions to Counter the Threat of GPS Interference

There is not any practical way to completely eliminate GPS interference. But steps can be taken to greatly reduce the frequency and impacts of such interference. Further, actions can be taken to insure that GPS receivers do not give false indications of position or time. Our recommendations are:.

1. National Focus. GPS is absolutely critical US National Infrastructure. This has not been formally recognized. GPS should be formally declared critical infrastructure by Executive Branch and managed as such by DHS. This is necessary to elevate the importance of GPS to our critical infrastructure and bring the needed attention to the interference problem. The various existing national interference programs must be coordinated and gaps must be filled with additional

funded efforts (see later recommendations). Senior leadership must recognize the vulnerabilities of the current critical infrastructure and give high priority to budgets and solutions.

2. National Alerting and Pinpointing Interference Locations. The NATIONAL EXECUTIVE COMMITTEE should establish and sponsor a National GPS Interference Locating, Reporting, and Elimination System; coordinating and expanding on the resources of several Departments. It took several months to locate the PPD that shut down the Newark landing system. Technology exists to locate such sources much more quickly. To rapidly alert and pinpoint interference, two elements are required: 1. sensing of the interference and 2. a communications channel to report the problem in real-time. For example, every cell phone tower could be configured to expand the functionality of their GPS timing receiver by promptly recognizing and reporting interference, including pertinent characteristics. The incremental cost would be extremely small. Another example: many toll booths routinely videotape vehicles including license plates. A properly configured GPS receiver at the booth could identify vehicles that are broadcasting interference. There are many more national reference receivers that could be so configured. Cell phones that include GPS receivers can be configured to sense and automatically report suspected interference. This would constitute a near instantaneous reporting channel, worldwide. Of course a central data-gathering location is needed; it could be collocated with preexisting civil/military resources such as WAAS, NGPS or the Air Force's 2SOPS. In turn, the located sources must be reported for appropriate action. No such National (or International) Real-Time System exists today or is even currently planned.

3. Shutting Down and Prosecuting Interferers—Legal and Law Enforcement actions. When the mobile jammer was finally located at Newark, the only punitive action for the deliberate interference was to confiscate the Jammer. The coordination of FAA, FCC, FBI, and DOD was commendable, but ad hoc and very tardy. The PNT Executive Board should sponsor Legislation in Congress that addresses interference to GPS with laws that provide substantial fines and jail time for both possession and use of GPS jammers. Precedents have already been established with the laws enacted to prevent and deter lasers being aimed at Pilots as they attempt to land airplanes. Australia, which is also very reliant on GPS for Air Traffic control, has a law that fines the possessor of a GPS jammer $100,000. In addition, operational procedures for rapid interdepartmental reaction and mitigation of interference must be established. A reasonable goal is to locate and shut down any jammer in a matter of hours.

4. Hardening GPS Receivers and Antennas. In addition to legal action, we wish to galvanize a technical effort to strengthen all GPS receivers. GPS receivers should never give the Hazardous and Misleading Information (HMI) that is shown in figure 6. The techniques to avoid this are well known and specified for all FAA certified equipment. All GPS safety-of-life receivers should include the integrity algorithms specified by the FAA. There are also well-known design techniques to greatly reduce outages of GPS receivers due to interference. Examples include: special antennas that null interference, coasting thorough interference by using inertial components and/or small atomic clocks, as well as physical shielding in the direction of presumed jamming. Some would add significant cost but may be warranted for safety-of life and other critical applications. New supplementary devices can make GPS receivers more robust and are becoming more affordable. (e.g. miniature accelerometers, chip scale atomic clocks etc.)

Some actions are being taken. For example, the FAA is already hardening the GPS receivers and antennas placed on the ground at Newark International Airport. Changes include: GPS antennas that are less vulnerable to radio frequency interference; improved practices for placement of GPS antennas on the airport (farther from public roadways); and receiver algorithms that more quickly recover when the PPD moves away from the GPS antenna. Manufacturers should speed up the offering of interference resistant GPS receivers, especially for safety-of-life applications such as commercial maritime. These receivers should use FAA techniques to insure they do not display Hazardous and Misleading Information during periods of interference.

5. Establishing GPS Backups to insure continuity of PNT Operations. As described above, GPS receivers should certainly be made more robust against jamming. In addition, we feel that the nation should vigorously support efforts to provide Alternate Position, Navigation and Time (APNT). In this final section, we first describe the role of planned foreign satellite systems (GNSS) that are similar to GPS. Unfortunately they have the same susceptibility to interference as GPS. Next we describe two alternate techniques to determine PNT (APNT) that are more jam-resistant and could be readily made operational.

GNSS. GPS is now recognized worldwide, and other nations are responding with satellite navigation systems of their own. The Russians are reinvigorating their satellite navigation system called GLONASS, and new systems are being developed in China, Europe, Japan and India. Taken together, GPS and these other systems are called Global Navigation Satellite Systems (GNSS).

These other systems are valuable for improved accuracy and integrity. In addition they will offer frequency diversity. Therefore they will be helpful in countering unintentional interference at a single frequency. The new PFD (Jammers) being sold on the web will also prevent use of these foreign GPS-like systems as well as cell phones. Thus these new foreign systems will not be helpful in operating during deliberate jamming radiated by the better devices currently available.

While a number of backup PNT systems have been considered, there are two major alternatives for APNT that have emerged as being particularly useful:

1. e-Loran: Loran is a ground-based radionavigation system that preceded satellite navigation. It finds its origins in World War II, and enjoyed wide spread adoption after the grounding of the Argo Merchant on Georges Bank. At that time, the U.S. Coast Guard began to require Loran carriage by ships over a certain tonnage in the Coastal Confluence Zone of the United States. Importantly, Loran is based on the broadcast of extremely high power signals in the low frequency portion of the radio spectrum. The frequency of transmission is 10,000 lower than the GPS frequencies in the microwave band, and the power of the transmission is 1000 times greater than the GPS transmission power. An updated version of called eLoran has now been developed and tested. It is very robust, resistant to interference and has two dimensional accuracies of about 20 meters in critical areas. It is not nearly as accurate as the best GPS, and the lack of the vertical dimension reduces eLoran's effectiveness, yet it is a very robust APNT system.

In December 2006, an Independent Assessment Team was appointed, reporting to DOT and DHS. It was under the administration of the Institute for Defense Analysis (IDA). After careful review over many weeks, they unanimously recommended that the eLoran deployment be completed as a backup for GPS. Yearly cost to maintain this in the US was about 20 $M. This is about 1/10th the cost of a single GPS satellite. The DHS then made an announcement that eLoran was the official APNT system for the US. The Schlesinger-chaired PNT Advisory Board has also unanimously recommended that eLoran be deployed and maintained as a GPS backup.

For these reasons, the international navigation community has also strongly supported the upgrade and sustainment of the Loran system in any number of forums. This recommendation has been heeded in Europe. Indeed, Figure 7 shows the faithful position track provided by enhanced Loran (e-Loran) as the ship traverses the jamming wedge generated by the General Lighthouse Authorities from Flamborough. Figure 7 provides a stark contrast to the GPS-based results in Figure 5. Unfortunately, DHS has not followed through with their announcement: the Loran system in the United States has been turned off.

We strongly recommend that the previously announced decision (to deploy eLoran as the primary APNT) should be reconfirmed and quickly implemented. The reasons for this are clearly stated in the IDA white paper. It is the most viable and robust backup to GPS and can be implemented in a way that is virtually seamless to the user.

2. Alternate Navigation for the Next Generation Air Transportation System: Today, the FAA uses an extensive network of terrestrial navigation aides to mitigate GPS outages. This backup navigation capability is based on ground-based navigation aids that precede GPS. All of these extant systems support point-to-point navigation. Even though these transmissions are reasonably robust against RFI, this point-to-point capability may not be suitable for the Next Generation Air Transportation System (NextGen). NextGen anticipates an increase in air operations by a factor of two or more by 2025, and will enable a host of operational improvements needed to smoothly support this traffic increase. NextGen is based on GPS, satellite-based augmentation systems (SBAS), and ground-based augmentation systems (GBAS). All of these systems provide so-called area navigation (RNAV). In other words, they provide guidance over a volume, and the alternate navigation system of 2025 also needs to provide a volumetric aid to navigation.

Thus, the FAA is actively exploring alternate position, navigation time (APNT) as part of their NextGen effort, because the airspace should not revert to inefficient point-to-point navigation should RFI interrupt GPS-based operations in the 2025 timeframe. This APNT capability would be based on a reconfiguration of existing or planned FAA ground facilities (Eldredge, 2010), and Figure 8 shows part of the ground infrastructure that can be utilized to provide this APNT area navigation capability.

Time Synchronization: As part of their APNT effort, the FAA has identified three architectures that may be suitable for alternate area navigation in 2025. These straw men are based on the sites shown in Figure 8, but two of these APNT architectures require time synchronization of neighboring ground sites. To this end, the FAA has investigated time transfer based on hardened GPS receivers and low earth orbiting satellites (LEOs). In the former case, jammers are attenuated by so-called controlled radiation pattern antennas. In the latter case, the

needed processing gain derives from the proximity of the LEOs. Indeed, the altitude of the LEOs is approximately twenty times less than the GNSS altitude. Thus LEOs have small earth footprints and cannot provide the navigation performance associated with GNSS. However, the signal received from this nearby source is approximately 400 times greater than the power received from GNSS. Thus, LEOs could provide the robust time transfer capability needed to support APNT, because time transfer only requires one satellite to be in the common view of the ground stations to be synchronized.

We encourage the FAA to continue efforts and to provide an APNT that is a robust backup to GPS and deterrent to malicious interference.

Summary and Conclusions:

The interference threats to GPS are very real and promise to get worse. These threats potentially imperil much of the US. infrastructure. It will take some time to field a full set of countermeasures and systems. Failure to act will be a serious abdication of our national responsibility.

DANGEROUS SYNTHETIC DRUG CONTROL ACT OF 2016

SPEECH OF

HON. EARL L. "BUDDY" CARTER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 26, 2016

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of H.R. 3537, the Dangerous Synthetic Drug Control Act of 2016.

This bill would amend the Controlled Substances Act to account for the rise and spread of synthetic drugs in America. Requirements and restrictions for schedule 1 controlled substances would also have to be applied to the manufacturers and sales points for those substances.

Using workaround and loopholes in existing legislation, these manufacturers, and those who distribute and sell those substances, have been able to continue their business by staying one step ahead of the law. For too long, we have seen overdoses and other medical issues arise as a result of the use of these unregulated substances.

Under Congressman DENT's leadership, we can make real progress in closing those loopholes and ensuring that Americans will no longer be subjected to the deceptive advertising or allure of these toxic and dangerous synthetic drugs.

As a lifelong pharmacist, I have fought the tide of drug abuse and this legislation is truly a win for everyone. I want to thank Congressman DENT and the Energy and Commerce Committee for their hard work and for bringing this to the floor for a vote. I urge my colleagues to support this bill.

ROBIN HAMPTON WILLS

HON. RICK W. ALLEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. ALLEN. Mr. Speaker, I rise today to recognize the birth of Robin "Hampton" Wills, born Monday, September 5th, 2016.

Our precious granddaughter entered the world eight weeks early, but we know she is a fighter. While her first breath on this Earth came much quicker than planned, she is doing very well.

Hampton was born at University Hospital, where she was cared for in the neonatal intensive care unit for three weeks. She has just been transferred to the Medical College of Georgia Hospital where she is recovering and gaining strength.

Little Miss Hampton weighed in at four pounds nine ounces. Just shy of five pounds, this beautiful little girl was welcomed with love into a family of four. She looks so much like her two older sisters, Riley Kate and Ellis.

Baby Hampton is the perfect addition to our family. She brings the grand total of grandchildren to 12, an even dozen for Robin and me.

Hampton is a blessing from above, and we thank the Lord for watching over her and her mother in the coming months as they continue to heal and grow. Our family is so grateful for the many wonderful medical personnel in Augusta who cared for Hampton and her mother.

God bless this child, Robin "Hampton" Wills.

COMMEMORATING THE 105TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. SEAN PATRICK MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. SEAN PATRICK MALONEY of New York. Mr. Speaker, on October 10, the people of Taiwan celebrate the 105th anniversary of the founding of the Republic of China (Taiwan). As we approach this important day, we should take the time to commemorate Taiwan, an important economic partner and vital ally in Asia.

This past year, the world witnessed Taiwan's third peaceful transition to power as the first woman was elected in Taiwan. The 23 million people on the island represent the only democracy in the Chinese speaking world. Taiwan has been a reliable partner in East Asia. According to the U.S. Dept. of Commerce, U.S. trade in goods with Taiwan reached US$ 66 billion last year. For a population of only 23 million, Taiwan became the United States' 9th largest trading partner in 2015. Also, Taiwan is the state of New York's 6th largest export market in Asia.

It happens that the 39th Triennial Assembly of the International Civil Aviation Organization (ICAO) will also be taking place in Montreal, Canada, beginning on September 27, 2016. The U.S. Congress passed a bill in 2013, which was later signed into law, for supporting Taiwan's participation in the triennial assembly of the International Civil Aviation Organization (ICAO) in the capacity of an observer. Taipei Flight Information Region (FIR), administered by Taiwan government, provided over 1.53 million instances of air traffic control services and handled 58 million incoming and outgoing passengers in 2015, serving as an indispensable part of the global air transport network. Taiwan sent a delegation to the ICAO assembly in 2013. We will be happy to see that Taiwan to be invited again this September.

On Taiwan's National Day, we reaffirm the strength of the U.S.-Taiwan relationship and the United States commitment to the Taiwan Relations Act. It is an honor and privilege to support our friend and partner Taiwan and highlight the bonds that connect us.

THANKING JACKSON MAYOR RICHARD LONG FOR HIS SERVICE

HON. BRADLEY BYRNE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. BYRNE. Mr. Speaker, I rise to recognize Mayor Richard Long of Jackson, Alabama.

Since 2000, Mayor Long has led the City of Jackson. Under his leadership, the city has seen the quality of life increase, as well as economic growth.

Mayor Long's service to his country and community started early in his life. A graduate of the University of Southern Mississippi, he served in the United States Navy Reserves for nine years, including two years of active duty. In 1962, he was awarded the Cuban Blockade Medal for his contribution to the Cuban Naval Blockade. He has also been a lifelong member of VFW Post 5335.

His service to Jackson started as early as 1979, when he joined the Jackson Volunteer Fire Department. He would go on to serve on the Jackson City Council representing District 2 (1984 to 1988) and District 3 (1992 to 2000).

After being elected mayor in 2000, Mayor Long went to work to improve the quality of life for Jackson's residents. During his tenure, the city has made major investments and improvements to city infrastructure. Notable projects include the Jackson Police Complex, Municipal Court Building, public library expansion, senior citizens complex, water treatment plant, softball stadium, tennis complex, and high school athletic complex.

Mayor Long has been an especially strong advocate for education in his community. As Mayor, he oversaw construction of the new Joe M. Gillmore Elementary School, as well as updates and improvements to other programs. The schools in Jackson are recognized as some of the best in the region, and Mayor Long has a lot to do with that.

In 2008, Mayor Long was named "Mayor of the Year" by the Alabama Communities of Excellence Programs. This is just one of many honors and recognitions he has received throughout his career.

Mr. Speaker, Mayor Richard Long will be retiring from public service in November. I know his leadership and dedicated service will be missed, but his contributions to the City of Jackson will live on for decades to come. On behalf of Alabama's First Congressional District, I want to thank Mayor Long for his service and wish him all the best in the future.

HONORING DICK GODDARD

HON. JAMES B. RENACCI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. RENACCI. Mr. Speaker, I rise today to offer my congratulations to Dick Goddard on a

lifetime of success in Northeast Ohio and to offer my best wishes on his retirement. As an Akron, Ohio native, Dick has left a legacy in Northeast Ohio with his passionate involvement as a meteorologist, animal activist, and sports enthusiast.

Dick's weather career started early during his service with the U.S. Air Force during the Korean conflict. Initially assigned to the Severe Storm Forecast Center at Tinker Air Force Base in Oklahoma, his military career soon brought him to the Pacific Islands to an assignment with the Atomic Energy Commission for the first full-yield hydrogen bomb test. After his discharge from the military, Dick began working for the National Weather Service, while simultaneously attending Kent State University and later graduating with a bachelor's of fine arts.

Dick's news career began in 1961 working as an on-air meteorologist at Cleveland's KYW–TV. While at KYW, Dick made meteorological history when flying with the United States Navy Hurricane Hunter on the first low-level, nighttime penetration of a hurricane. In 1966, Dick became chief meteorologist at WJW–TV, Fox 8 Cleveland, where he spent the remainder of his career. During his tenure at Fox 8, Dick captivated his viewership, being named ''Ohio's Best Meteorologist'' and being voted as ''Best Weatherperso''.

Directly aligned with his career was his passion for animals, which would be clearly highlighted during his segments on air. Demonstrating his compassion for animals even for the smallest of creatures, Dick is well known for his annual ''Woollybear Festival''; drawing more than 100,000 people each year, it is Ohio's largest single day festival. Among the years of animal advocacy, Dick persistently promoted programs for dog & cat care and adoption. As a huge milestone for animal rights and as a culmination of his tireless work, in June of 2016, House Bill 60 of the Ohio Assembly was passed. Otherwise known as ''Goddard's Law'', House Bill 60 sets to protect animal abuse in increasing the severity of penalties as a 5th degree felony.

I ask my colleagues in the House to join me, along with the thousands in Northeast Ohio in paying homage to the man more commonly known as the weather man whose passion for meteorology could be paralleled only to his love for animals.

HONORING THE HAVERFORD TOWNSHIP POLICE DEPARTMENT

HON. PATRICK MEEHAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Haverford Township Police Department on its 100th anniversary of serving and protecting families in Delaware County.

Since 1916, the Haverford Township Police Department has provided critical protection for the residents it serves. The force has grown from a chief and nine officers to the now sixty-nine officers and eighty civilian personnel Chief John Francis Viola leads today.

While the force has grown immensely in the last hundred years, its commitment to public safety has remained constant.

Mr. Speaker, we are grateful to the fine officers of the Haverford Township Police Department, and I wish them another 100 years of success in serving the community.

PERSONAL EXPLANATION

HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. BONAMICI. Mr. Speaker, I was unable to be in Washington, D.C. on September 20, 2016 because I was attending a memorial service and I missed votes in the House. If I had been present, I would have voted in favor of H.R. 670, the Special Needs Trust Fairness and Medicaid Improvement Act, H.R. 5785, a bill to amendment title 5, United States Code, to provide for an annuity supplement for certain air traffic controllers, and H.R. 5690, the GAO Access and Oversight Act.

H.R. 670 makes an important update to Medicaid to allow individuals with disabilities to set up their own special-needs trusts that are not counted as part of their assets when determining Medicaid eligibility. This will allow individuals to access Medicaid services without having to go through a lengthy process and get a court order to set up a special-needs trust. I support this update to make it easier for individuals to access critical medical services.

H.R. 5785 makes it easier for retired federal air traffic controllers to train the next generation of this important workforce. Under current law, retired air traffic controllers cannot earn more than $15,720 annually as instructors and still receive their Federal Employees' Retirement System retirement benefits. This bill waives the salary cap for former air traffic controllers so they can be instructors without compromising their retirement benefits. I am pleased that the House passed this important update so that the next generation of controllers can be trained by qualified and experienced instructors.

H.R. 5690 makes it easier for the Government Accountability Office to access certain federal records regarding individuals' employment status for the purposes of determining eligibility for assistance programs such as the National Directory of New Hires, Supplemental Nutrition Assistance Program, and the Earned Income Tax Credit. This bill clarifies current law so that GAO can access this information from Health and Human Services, which oversees the database. If I had been present, I would have supported the bill.

HONORING COLUMBIA HEIGHTS' ALL-AMERICA CITY DESIGNATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. ELLISON. Mr. Speaker, I rise today to commend the City of Columbia Heights for its designation as a 2016 All-America City by the National Civic League. Since its incorporation in 1921, Columbia Heights has demonstrated sincere dedication to creating a safe, livable, and inclusive community.

Columbia Heights' community vitality is a direct result of investing in youth and putting children first. The City has shown great leadership through collaborative efforts such as: Big Brothers and Big Sisters; recreation and education outreach programs; and a strong City, Police Department, and School District partnership. This year, to ensure no child goes hungry in the summer months, Columbia Heights entered into a partnership with Loaves and Fishes to serve a healthy, complete lunch free of charge to local children five days a week.

In 2008 under the leadership of Police Chief Scott Nadeau, the Columbia Heights Police Department implemented a policing philosophy focused on community partnership. Through work with the Columbia Heights school district, the police force drastically reduced criminal activity over a seven-year period and has taken youth arrests from 230 per year to 90 per year. This work earned the city the International Association of Chiefs of Police Award for Community Policing in 2012, and the L. Anthony Sutlin Civic Imagination Award in 2015 from the Department of Justice for collaboration between law enforcement and community members.

The City of Columbia Heights also recently completed construction on a beautiful 22,000 square foot library. In 2014, city residents passed a referendum to raise funds to build a library the city could call its own. Now, Columbia Heights has a tremendous community asset and gathering place that it can be proud of for years to come.

Columbia Heights has actively engaged its new immigrant communities, from working to build a community park in the Circle Terrace neighborhood, to hosting Iftar dinners in the police building to bring the community together.

Columbia Heights stands as a Minnesotan beacon of inclusion and progress. I wish the city of Columbia Heights all the best in its future endeavors of successful community engagement, and congratulate the city on this well-deserved honor.

CELEBRATING THE NATIONAL DAY OF TAIWAN

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. KIND. Mr. Speaker, I rise today to celebrate the National Day of Taiwan, which will take place on October 10, 2016. I extend my warmest congratulations to the people of Taiwan on this special occasion.

Taiwan has transformed into a beacon of democracy and economic opportunity in East Asia. In January of this year, the country elected its first female president, Tsai Ing-wen, in a landmark election. This important moment reflects the incredible progress Taiwan has made to become a free and open democracy. In addition to Taiwan's democratic progress, the country has grown into a major economic power. They are one of the United States' largest trading partners and a major export market for Wisconsin products. Many American companies have benefitted from close economic cooperation with their Taiwanese counterparts.

I also commend Taiwan's work to tackle many global issues with the United States through the U.S.-Taiwan Global Cooperation Training Framework. Together, we have worked on issues such as women's rights, humanitarian assistance and disaster relief, democratization, global health and energy security. Taiwan shares many American values, such as freedom, human rights, and civil society. I look forward to our continued partnership as a staunch ally of the United States.

Mr. Speaker, I congratulate the people of Taiwan on this special day. I wish them continued success in their future endeavors.

PERSONAL EXPLANATION

HON. LUIS V. GUTIÉRREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for votes on Monday, September 26, 2016. Had I been present, I would have voted ''nay'' on roll call vote 557 and ''yea'' on roll call vote 558.

PERSONAL EXPLANATION

HON. EARL L. ''BUDDY'' CARTER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. CARTER of Georgia. Mr. Speaker, on Thursday, September 22, 2016 I was absent due to personal reasons and missed votes. Had I been present, I would have voted as follows:

Roll Call Number 557 passage of H.R. 3537—Aye.

Roll Call Number 558 passage of H.R. 5392—Aye.

IN RECOGNITION OF RAYMOND CAPOZUCCA, ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY'S 2016 PERSON OF THE YEAR

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor Raymond Capozucca, who will be honored by the Italian American Association of Luzerne County as Person of the Year during the organization's 39th Annual Columbus Day Banquet on October 9, 2016.

Raymond was born May 25, 1939 in Pittston Township to Raymond and Emma Capozucca. After the death of his father, he was enrolled in the Hershey Industrial School for Orphan Boys, now known as Milton Hershey School. Raymond returned home, after graduating in 1957, and worked for two local plumbers. In 1962, founded his own plumbing, heating, and electric business. The business's name was changed to Capozucca Bros. when his brother, Albert, joined six months later. Both Raymond and his brother ran their business until they both retired in the early 2000s.

Throughout the years, Raymond has been involved in numerous clubs and associations. He is a member of the Italian American Citizens Enjoyment Club and a charter member of the Pittston Township Lions Club. He helped found Pittston Township Little League and went on to serve on its board. He served on the board of United Services Agency. He held offices with the Pittston Township Fire Department and was on the board of directors of the Northeast Fair. He was a member of the Holy Name Society of Mt. Carmel, now known as St. Joseph Marello Parish, and the Flag Association of Pittston Township.

It is an honor to recognize Raymond for being named the Italian American Association of Luzerne County's Person of the Year. I thank Raymond for all of the service he has given to his community, and I wish Raymond and the Italian American Association all the best this Columbus Day.

PERSONAL EXPLANATION

HON. ROBERT HURT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. HURT of Virginia. Mr. Speaker, I was not present for Roll Call vote Number 557 on the motion to suspend the rules and pass, as amended, H.R. 3537, the dangerous Synthetic Drug Control Act. Had I been present, I would have voted ''yes.''

I was not present for Roll Call vote Number 558 on the motion to suspend the rules and pass H.R. 5392, the No Veterans Crisis Line Call Should Go Unanswered Act. Had I been present, I would have voted ''yes.''

RECOGNIZING THE LIFE AND SERVICE OF BARBARA MAIZIE

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. DESAULNIER. Mr. Speaker, I rise today to recognize the life and service of a longtime friend and local champion, Ms. Barbara Maizie.

Barbara dedicated her whole life to helping others. After arriving at Contra Costa Arc in 1974, her dogged work was instrumental to the creation, preservation, and evolution of life-enhancing supports for people with developmental disabilities and their families.

Through her hard work and dedication, she helped Contra Costa Arc grow to be the largest provider of services in Contra Costa, serving over 900 of all ages. Her steadfast support for the Lanterman Act, both enforcing it and ensuring that people understood the rights they had been granted under it, were unmatched.

Barbara and I met through her tireless work for those with developmental disabilities and their families. Her leadership in saving the George Miller Center, advocacy at state budget hearings, and work to close Developmental Centers has permanently changed our community and the State of California for the better.

Barbara was not only a colleague, but a close friend. Because of Barbara's hard work, love, and support, the lives of Californians are much improved. She will be sincerely missed by all who had the pleasure of knowing her, myself included.

PERSONAL EXPLANATION

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. BASS. Mr. Speaker, during Roll Call vote No. 557 on H.R. 3537 ''To amend the Controlled Substances Act to clarify how controlled substances analogues are to be regulated and for other purposes,'' I mistakenly recorded my vote as Yea, when I should have voted Nay.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. BECERRA. Mr. Speaker, on Monday, September 26, 2016, I was unable to cast my floor vote on roll call vote number 557 and 558. Had I been present for the vote, I would have voted ''no'' on roll call vote number 557 and ''yes'' on roll call vote number 558.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. COFFMAN. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $19,524,762,977,719.62. We've added $8,897,885,928,806.54 to our debt in 6 years. This is over $8.8 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING JUSTIN SCHROEPFER, RHINELANDER, WISCONSIN

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. DUFFY. Mr. Speaker, it is my honor to recognize Mr. Justin Schroepfer of Rhinelander, Wisconsin. His life was tragically cut short, but he will always be remembered as a courageous Good Samaritan who put the wellbeing of a perfect stranger ahead of himself.

On July 11, 2016, Justin spotted two women struggling against Lake Superior's strong current. He abandoned his own bachelor party and swam through the frigid water in an attempt to save the lives of two people he did not know. One woman was saved by another

bystander, but tragically, both Justin and the other woman succumbed to the frigid, unpredictable waters.

A graduate of Antigo High School, Mr. Schroepfer was recruited to play baseball at the University of Wisconsin at Stevens Point. He transferred to Northern Michigan University in Marquette after two years and earned a bachelor's degree in accounting. With his degree, Mr. Schroepfer pursued a career at Wipfli CPA's and Consultants in Rhinelander, Wisconsin.

Along with his talents on the baseball field, Mr. Schroepfer was also an avid outdoorsman. He enjoyed fly-fishing, downhill skiing, and hunting. Mr. Schroepfer was dedicated to his Christian faith and family, and was planning his wedding with the love of his life, Suzy Solin, at his untimely passing.

Mr. Speaker, please join me today to recognize Mr. Schroepfer for his courageous action and ultimate sacrifice; we pray that in knowing of his heroic effort, his family and beloved fiancé may find comfort and peace.

PERSONAL EXPLANATION

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. GRAYSON. Mr. Speaker, my flight, US 1782, was delayed by 90 minutes because of thunderstorms, so I arrived after votes were over. Had I been present, I would have voted YEA on Roll Call No. 557, and YEA on Roll Call No. 558.

RECOGNIZING HOLOCAUST SURVIVOR AND BARBER BEN SCHEINKOPF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Ben Scheinkopf, an outstanding community member in Chicago's West Ridge neighborhood. At 96 years old, Mr. Scheinkopf closed his barbershop just last month after more than six decades in business.

A long journey brought Mr. Scheinkopf to the North Side of Chicago. He was born in Poland on October 16, 1919 and was one of nine children. In 1939, the Nazi army invaded his hometown of Plonsk and forced the Jews into a ghetto. The Nazis arrested the roughly 6,000 Jews remaining and sent them to Auschwitz in 1942.

After three years in Auschwitz, Mr. Scheinkopf and his brother, Josef were among the Jews forced to walk in the dead of winter from Auschwitz to Malthausen. At one point, Josef kept his sick, frail brother alive by hiding him on a cart of dead bodies. Only 30 Jews from Plonsk survived the concentration camps to be liberated by American troops. Ben and Josef Scheinkopf were two of the survivors.

Ben Scheinkopf moved to Munich, Germany after the war and worked as a barber for the troops. In 1954, he relocated to Chicago and continued cutting hair. At the time, he was one of seven Jewish barbers working on the North Side. He continued running that barbershop at Touhy and California until this past August.

''Benny the Barber'' wrote a letter to his customers and neighbors upon the barbershop's closure, and I would like to share an excerpt: ''I have been fortunate to have had a marvelous, long career giving hair cuts to generations of customers who have become my friends. . . . It has been my distinct pleasure to serve and be part of the community for so many years. I will miss you all and I will not forget you.''

We will not forget him either. Ben Scheinkopf is a remarkable man—a Holocaust survivor and a neighborhood institution. I wish him all the best as he devotes his retirement to spending more time with family and cheering the Chicago Cubs to the World Series.

HONORING DAISAKU IKEDA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor Daisaku Ikeda, President of the Soka Gakkai International who is celebrating the anniversary of his first visit to New York. Mr. Ikeda is a leader who has served New York's community—indeed our entire City—with distinction.

Daisaku Ikeda's first visit to New York was October 2nd, 1960, to introduce America to the compassionate and enlightening teachings of Buddhism as a practical way for individuals to create harmonious families and communities in order to create a peaceful and sustainable world for all humanity. Dr. Ikeda's lifetime has been focused on striving for peace in New York City and around the world.

Since his arrival, the New York SGI organization has grown significantly—today New York City is home to some 13,500 active members of SGI–USA, with 33 Chapters hosting over 200 monthly neighborhood discussion meetings. New York City enjoys two SGI Buddhist Culture Centers, in Queens and Manhattan, with a third center currently under construction in the heart of the 7th Congressional District in Brooklyn—which will be completed in 2017.

Dr. Ikeda continues, with tremendous youthful energy and passion, to be a constant inspiration to thousands of New Yorkers as well as millions around the world. His thoughts are best expressed through a passage in his book, The Human Revolution ''a great revolution of character in just a single individual will help achieve a change in the destiny of a nation, and further, will cause a change in the destiny of mankind.''

Dr. Ikeda has demonstrated a steadfast desire for peace and is a testament that a single person can make a difference not only in a community, but in the world. In recognition of his efforts in support of the United Nations, as well as public information and education activities on such issues as disarmament, the environment and human rights, Ikeda was conferred the UN Peace Award in 1983.

I ask all my colleagues to join me in saluting Mr. Ikeda and paying tribute to his many achievements.

HONORING THE FIRST RESPONDERS OF THE SEASIDE PARK TERRORIST ATTACK

HON. THOMAS MacARTHUR

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. MACARTHUR. Mr. Speaker, I rise today to honor the quick and efficient response of the first responders during the terrorist attack in Seaside Park, New Jersey on Sept. 17th, 2016. A bomb was detonated at the starting point of a charitable race for our veterans. Starting at the local level, the Seaside Park Police Department took control, and kept civilians out of harm's way as they assessed the situation. The Seaside Park Police Department was joined by the Ocean County Sheriff's Department along with representatives of other Federal, State, County, and Local agencies who responded to the call of duty. I am proud of the work our first responders do and am grateful for the efforts carried out by those who apprehended the suspect in the bombing in Seaside Park, as well as in New York.

National security is a constant concern in an age when terror attacks are increasing in frequency. Now more than ever, we should all thank the men and women that defend us, provide guidance in times of severe uncertainty, and apprehend the terrorists that seek to spread hate and destruction.

Mr. Speaker, the people of New Jersey's Third Congressional District are tremendously honored to have the men and women who responded on this day as selfless and dedicated members of their community. It is with the highest level of gratitude and appreciation that I commend them for their service following the bombing in Seaside Park, New Jersey, and recognize their outstanding service and protection of their community, before the United States House of Representatives.

HONORING FISK UNIVERSITY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. COOPER. Mr. Speaker, I am proud to pay tribute to Fisk University on its 150th anniversary.

Fisk is a national treasure with a deep history and sense of purpose. Established months after the end of the Civil War, Fisk was founded to educate all students, regardless of color.

Over the last 150 years, Fisk has become one of the top Historically Black Colleges and Universities in the nation and is synonymous with academic excellence. Fisk's alumni, leaders, and scholars have played prominent roles in the civil rights movement, changed how we think about science, landed in Hollywood and on Broadway, and sat on the Supreme Court. Notable alumni include NAACP founder W.E.B. Du Bois, celebrated dancer and choreographer Judith Jamison, and Nikki Giovanni, an award-winning poet. And, of course, our good friend and civil rights hero, Congressman JOHN LEWIS, is also a Fisk alumnus.

From the world-renowned Fisk Jubilee singers, to the countless contributions made by

scholars and leaders, to the many students with bright futures ahead, Fisk has always been committed to excellence and remained at the forefront of making the world a better place. I join my fellow Tennesseans in honoring Fisk University for the indelible mark it has left over the past 150 years, and for what it has in store in the years to come.

INTERNATIONAL PLASMA AWARENESS WEEK

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. MATSUI. Mr. Speaker, International Plasma Awareness Week will occur October 9 to 15, 2016. Around the world, there will be observances to raise global awareness of the crucial need for plasma to create lifesaving therapies, recognize that plasma donors contribute greatly in saving and improving lives, and increase understanding of the many rare diseases and plasma protein therapies that help to treat them.

Plasma-derived therapies and recombinant blood clotting factors, collectively known as plasma protein therapies, are unique, biologic medicines that are either infused or injected to treat a variety of rare, life-threatening, chronic, and genetic diseases including bleeding disorders, immune deficiencies, pulmonary disorders, neurological disorders, shock and trauma, liver cirrhosis, and infectious diseases such as tetanus, hepatitis, and rabies.

Plasma-derived therapies save and improve lives of individuals throughout the world, including in emergency and surgical medicine. Plasma protein therapies have significantly improved the quality of life, markedly improved patient outcomes, and extended the life expectancy of individuals with rare, chronic diseases and conditions.

Healthy, committed donors provide the plasma essential to manufacture these lifesaving therapies; and there are more than 450 plasma collection centers in the U.S. that have demonstrated their commitment to plasma donor and patient safety and quality by earning International Quality Plasma Program (IQPP) certification.

I ask that my colleagues in the House of Representatives, join me and rise in commemoration of International Plasma Awareness Week, honoring those committed donors and collection centers who make and collect needed and lifesaving contributions.

RECOGNIZING THE CAREER OF DR. BRUCE HARTER

HON. MARK DeSAULNIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. DESAULNIER. Mr. Speaker, I rise today to recognize the many accomplishments of Dr. Bruce Harter as West Contra Costa Unified School District's (WCCUSD) Superintendent.

As the second longest serving superintendent in the history of WCCUSD, Dr. Harter has played a large role in the district both in and out of the classroom. During his tenure, WCCUSD experienced significant increases in the success of English Language Learners, increases in graduation rates, decreases in drop-out rates, and a significant increase in the proportion of graduates attending postsecondary education.

As a testament to his emphasis on addressing the whole child, WCCUSD has made great strides during his service to incorporate additional student services to help students learn and grow. To that point, WCCUSD is now the only school district in the Bay Area to have health centers in every high school, providing greater physical and emotional safety, and implementing social emotion programs that substantially reduced disciplinary actions.

Dr. Harter's commitment to promoting the success and well-being of West Contra Costa's students is deeply appreciated by the community that he serves, and he should be proud of the clear and steady improvement in overall student achievement during his service.

I thank Dr. Harter for his service and wish him the best of luck in his retirement.

IN RECOGNITION OF ALBERT CAPOZUCCA, ITALIAN AMERICAN ASSOCIATION OF LUZERNE COUNTY'S 2016 PERSON OF THE YEAR

HON. MATT CARTWRIGHT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. CARTWRIGHT. Mr. Speaker, I rise today to honor Albert Capozucca, who will be honored by the Italian American Association of Luzerne County as Person of the Year during the organization's 39th Annual Columbus Day Banquet on October 9, 2016.

Albert was born October 9, 1936 in Pittston Township, Pennsylvania to Raymond and Emma Capozucca. After the death of his father, Albert enrolled in the Hershey Industrial School for Orphan Boys, now known as Milton Hershey School. He graduated in 1954 with a degree in vocational plumbing and heating. Albert was drafted into the army and served from November 1959 to February 1962. When that service concluded, he returned to the plumbing business. He and his brother, Ray Capozucca, formed Capozucca Bros. Plumbing and Heating. They later expanded their business to add Capozucca Brothers Oil Company. Albert worked with his brother until they both retired in the early 2000s.

Albert remains active in his community and is involved in many organizations. He is a member of the St. Joseph Marello Parish in Pittston. He's served with Pittston Township Volunteer Fire Department for a whopping 59 years. He is the current president of Pittston Township Lions club and serves as the club's representative for the Upper Valley Eye Bank Association. He helped establish the Pittston Township Little League, where he served on the board of directors for many years. He also served on the Pittston Township Sewer Authority Committee. Finally, Albert is a former member of the Pittston Knights of Columbus and is a member of both the Italian American Association of Luzerne County and the Italian Citizens Enjoyment Club.

It is an honor to recognize Albert for being named Italian American Association of Luzerne County's Person of the Year. I am deeply grateful for his military service and his many contributions to his community. I wish Albert and the Italian American Association all the best.

RECOGNIZING DEBBIE COTTON FOR TWO DECADES OF SERVICE TO THE SEMINOLE COUNTY REGIONAL CHAMBER OF COMMERCE AND THE SEMINOLE COUNTY COMMUNITY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. MICA. Mr. Speaker, I rise to pay recognition to a great community leader who has helped the Seminole County business community through her volunteer service and her role at the Seminole County Regional Chamber of Commerce: Mrs. Debbie Cotton.

Debbie is leaving the Seminole County Regional Chamber of Commerce as the Vice President and Chief Operating Officer after more than two decades as an employee and volunteer at the chamber. Her work over the years has helped Seminole County become one of Florida's best places for business with multiple major companies relocating to the county and thousands of businesses prospering in Seminole County.

Debbie Cotton started as a volunteer with the Chamber in 1995 and then joined the Chamber in 1998 as the receptionist. Over the years, she served in a wide variety of roles, serving as the communications and events director, business development director, interim president, chief operating officer and vice president.

In addition, she served as a board member on the Foundation for Seminole County Public Schools, participated in Leadership Seminole Class 2002 and was named Ambassador of the Year by the Chamber in 1996. She was named the COO of the Year by the Orlando Business Journal in 2014.

Over the years, Debbie Cotton has worked with thousands of businesses. She has helped them grow and prosper and thrive in Seminole County. Our business community is better because of Debbie Cotton.

Debbie Cotton will be leaving Seminole County on October 7 to become the President of the Ormond Beach Chamber of Commerce. I know that I am joined by my colleagues from Central Florida in thanking her for her service and wishing her well in the future.

Mr. Speaker, once again I congratulate Debbie Cotton on her many accomplishments in Seminole County and all of Central Florida.

PERSONAL EXPLANATION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. MCGOVERN. Mr. Speaker, on September 26, 2016, I joined U.S. Secretary of State John Kerry and other U.S. leaders in Cartagena, Colombia, for the formal signing of the peace agreement between the Colombian

government and the Revolutionary Armed Forces of Colombia (FARC).

As a result, I was absent for roll call votes 557 and 558. Had I been present, I would have voted no on roll call 557, final passage of the Dangerous Synthetic Drug Control Act, H.R. 3537, because it adds new synthetic drugs to Schedule I, expanding mandatory minimum sentences and hindering research on these substances.

I would have voted yes on roll call 558, final passage of H.R. 5392, the No Veterans Crisis Line Call Should Go Unanswered Act. I strongly support H.R. 5392, which will help support veterans experiencing emotional or mental health crises by requiring the Department of Veterans Affairs to develop a plan to ensure that every call paced to the Veteran Crisis Line is answered by a live person.

IN REMEMBRANCE OF LAWRENCE DICKHAUS

HON. DAVID W. JOLLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. JOLLY. Mr. Speaker, I rise today to recognize my long-time constituent, Mr. Lawrence Dickhaus of St. Petersburg, Florida, who sadly passed on September 24, 2016, surrounded by his loved ones.

Having moved to St. Petersburg from the suburbs of Cincinnati, Ohio, Lawrence embodied many of the sacrosanct values that embody the American spirit such as a love of God, strong work ethic, unbridled optimism, the belief in helping others, and a wonderful sense of humor that was enjoyed by everyone he met. A hard-working, blue-collar plumber by trade, Lawrence was also a professional musician as demonstrated by the thousands of lives he touched through his music by entertaining the residents of St. Petersburg with his band, The Downtowners, at the St. Petersburg Pier. His love of music was also demonstrated by the many hours he gave volunteering for the Northeast High School Viking Band. Lawrence was also a lover of recreational fishing, a love that his children and grandchildren have enjoyed, following his example; and a baseball fan who cheered tirelessly for the Tampa Bay Rays.

These admirable qualities in Lawrence made him a loving husband to his wife of 65 years, Phyllis. They also made him an incredible father to his children Debbie, Phil, Marty, Brian, Rob, Patrick and Mary; as well as his nineteen grandchildren, and nineteen great grandchildren. As evidenced by such a large family, it is no wonder that so many residents of my district call the Dickhaus family their friends and neighbors.

Mr. Speaker, I now ask my colleagues to join me and the Dickhaus family in celebrating and honoring the incredible life of Lawrence Dickhaus. His long life as a family man and musician demonstrated his commitment to improving the lives of everybody he touched and worked for. His good nature will be greatly missed by the residents of St. Petersburg.

PAYING TRIBUTE TO JUDGE SARAH EVANS BARKER FOR HER 32 YEARS OF EXCEPTIONAL SERVICE TO THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF INDIANA

HON. SUSAN W. BROOKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to pay tribute to Judge Sarah Evans Barker and to her exceptional public service. The District Judges of The U.S. District Court, Southern District of Indiana signed a resolution naming Courtroom 216 in Judge Barker's honor, commemorating her 32 years of service. It is where Judge Barker has worked for much of her judicial career. The courtroom resides in the Birch Bayh Federal Building, which has been home to Indiana's Federal Court for over 100 years. The building and the ''Sarah Evans Barker Courtroom'' is sculpted from Indiana limestone and houses ornate decorative features, and it remains a place where history is made. This courtroom is the first Indiana courtroom to be named for a female judge, and it is fitting that Judge Barker should be the first woman to be honored as she also holds the distinctions of being the first female Assistant U.S. Attorney, first female federal judge, and first female chief judge for the United States District Court in Indiana. She has been a tireless advocate for women's leadership and a great connector of women throughout her career. The people of Indiana's Fifth Congressional District are forever grateful for Judge Barker's contributions to the Hoosier community and our country, and it is my privilege to honor her today.

A lifelong Hoosier, Judge Barker was born in Mishawaka, Indiana. She earned her bachelor's degree in 1965 from Indiana University and later earned her Juris Doctorate from the American University Washington College of Law in 1969. She started her career as a Legislative Assistant to Congressman Gilbert Gude of Maryland and Senator Charles H. Percy of Illinois, eventually working as special counsel to the Senate Government Operations Subcommittee. After her time in Washington, D.C., Judge Barker continued her public service in Indianapolis as an Assistant United States Attorney from 1972 to 1976 under United States Attorneys Stanley B. Miller and James B. Young. She then joined the Indianapolis law firm of Bose, McKinney & Evans where she became a partner. After her time in private practice, in 1981 President Ronald Reagan appointed Judge Barker as the United States Attorney for the Southern District of Indiana and later, in 1984, he appointed her as the first female federal judge for the United States District Court, Southern District of Indiana.

Ever since her appointment in 1984, Judge Barker has been an influential member of the bench. She has shaped judicial practice and policy through her appointments to numerous committees and commissions. In 2004, Chief Justice William H. Rehnquist appointed her to the Special Study Committee on Judicial Conduct and Disability, otherwise known as the ''Breyer Committee.'' Chief Justice John G. Roberts asked the Committee to continue its work and reappointed Judge Barker. In addition, she works on the Judicial Conference of the United States, with the Executive Committee, Long Range Planning Committee, Standing Rules Committee, Budget Committee, and Judicial Branch Committee as well as a number of 7th Circuit committees. She served as president of the 900-member Federal Judges Association from 2007 to 2009 and currently sits on their Board of Directors.

She has been, and continues to be, a dynamic member of the community through her work with various organizations. Judge Barker is an active member of the Morgantown United Methodist Church. She is a member of the Indiana Academy which seeks to encourage and promote charitable, scientific, literary, and educational goals in conjunction with institutions dedicated to these same objectives in the state of Indiana. She also sits on the boards of the Indiana Historical Society, the Indiana University Health Partners, and Conner Prairie. Higher education has a special place in her heart as she is a trustee on the advisory board for Indiana University, as well as its law schools. She has also been a part of search committees for IU law school deans, an IU chancellor, and two IU presidents. She was also appointed by Governor Mitch Daniels to participate in the Indiana Bicentennial Commission. Judge Barker is a member of the Gathering, the Lawyers Club and the Downtown Kiwanis Club of Indianapolis where she shares her wit, good humor, and sharp mind with all in attendance.

Judge Barker has been recognized for her work and contributions through many honors and awards. These awards include the Trailblazer Award given by the Indiana Commission for Women. She has been designated as a Distinguished Alumna of Indiana University. She was given the Living Legend award by the Indiana Historical Society. She was presented the Silver Gavel by the Indianapolis Bar Association. Several Midwestern colleges and universities have conferred ten honorary degrees upon her.

Not only has Judge Barker received many awards and honors, but she continually seeks to nominate deserving women in the community to be recognized. I had the honor to first hear Judge Barker speak at my own law school commencement from the Robert H. McKinney School of Law at Indiana University in May of 1985. Her dedication to provide guidance to young lawyers is inspiring. She is personally committed to championing the women of our community and has been an essential mentor to me as well as many others. Judge Barker is an amazing connector, by providing opportunities for Hoosier women to meet, socialize, and develop professionally. She is an exemplary role model for public servants, and I want to extend a heartfelt thank you for all the wonderful contributions she has made to the Hoosier community. Judge Barker has been a teacher, counselor, and friend to many aspiring public servants.

Despite her long tenure on the bench, Judge Barker cares deeply about each case that comes through her courtroom; she demonstrates genuine care with her decisions, particularly sentencing decisions, which greatly impact lives. Judge Barker has undoubtedly left an immensely profound influence on the court, and it is quite fitting that this beautiful and historic courtroom be named in her honor. On behalf of all Hoosiers, I'd like to congratulate Judge Barker on her success and wish

her, her husband Kenneth, three children, and five grandchildren much joy as they celebrate Sarah's place in history.

TRIBUTE TO THE HONORABLE JAMES PEARCE BRICE

HON. H. MORGAN GRIFFITH

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. GRIFFITH. Mr. Speaker, on behalf of myself and Congressman BOB GOODLATTE, I submit these remarks to commemorate the life of The Honorable James Pearce Brice, a devoted jurist and public servant to the Commonwealth of Virginia, who was born in Roanoke, Virginia, on August 7, 1926, and passed away on September 15, 2016, at the age of 90.

In our years of practicing law, both Congressman GOODLATTE and I had the pleasure of arguing in front of Judge Brice. We benefited from the expertise and wisdom he shared, as a street lawyer and a personal mentor, accumulated from an accomplished life.

At the age of 16, Judge Brice entered the Virginia Military Institute. He joined the Merchant Marines, as soon as he turned 18, during World War II. He bravely served as a helmsman on an oil tanker in the North Atlantic and suffered the loss of his brother, Robert, on Omaha Beach in 1944.

Before war ended, Judge Brice joined the United States Army and became a Japanese translator and interrogator. With his intelligence and flare for foreign languages, he continued serving with distinction in the Army Counterintelligence Corps in northern Hokkaido after Japan surrendered.

Upon returning from abroad, Judge Brice went back to school and obtained his bachelor's degree from the University of Virginia, then earned his law degree from Washington and Lee University in 1954.

He launched his legal career in private practice back in his hometown of Roanoke. He spent time working for the Veterans Administration, and then the United States District Attorney's Office, as an assistant prosecutor. Judge Brice was dedicated to his vocation. At the age of 42, he was appointed to the bench of the Roanoke General District Court, where he served as judge from 1967 through 1987. He retired as the chief general district judge of the 23rd Judicial Circuit, but continued to travel across the commonwealth as a substitute jurist until the early 2000s.

Judge Brice had a tremendous impact on many of our communities, as well upon countless individuals all across the region. Judge Brice will be remembered as a family man and a friend to many. We always appreciated his outgoing nature and shared his love of history. Judge Brice left the repeated impression of being a compassionate and fair arbiter, and he will be forever remembered by how much he believed in redemption. May his spirit of fairness and compassion remain with us. He will be greatly missed, but his legacy and influence will be long remembered across the entire western region of Virginia.

Our thoughts and prayers go out to Judge Brice's wife of 62 years, Phyllis; his three sons, James, Steven, and Michael; his three grandchildren, Taryn, Trey, and Melissa; his family, friends, and many loved ones. May God give them comfort during this difficult time.

PERSONAL EXPLANATION

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. ROE of Tennessee. Mr. Speaker, I missed votes on September 26th, 2016, while recovering from a surgical procedure. Had I been present, I would have voted YES on Roll no. 557 and YES on Roll no. 558. I applaud my colleagues on passage of H.R. 5392, the No Veterans Crisis Line Call Should Go Unanswered Act. Recent reports show that as many as one-third of calls to VA's veterans' crisis line go unanswered. Mr. Speaker, this is as unacceptable as it is appalling and I intend to push Secretary McDonald for answers and see that this atrocity is quickly rectified.

RECOGNIZING THE 50TH ANNIVERSARY OF NORTH MISSISSIPPI RURAL LEGAL SERVICES

HON. TRENT KELLY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. KELLY of Mississippi. Mr. Speaker, I rise to celebrate the 50th anniversary of North Mississippi Rural Legal Services (NMRLS).

This organization, formed in 1966 at the University of Mississippi, makes it possible for low-income and elderly residents to have access to legal services they could not otherwise afford.

North Mississippi Rural Legal Services' attorneys provide a wide range of counsel in 39 counties across North Mississippi. Their cases are as diverse as the people they serve. Attorneys have built cases to preserve civil rights, protect vulnerable children, and defend the elderly.

North Mississippi Rural Legal Services has committed leadership in Executive Director Ben Thomas Cole II and Director of Litigation Ruby White. While serving as District Attorney of Mississippi's First Circuit Judicial District, I saw firsthand the dedication to NMRLS of my former colleagues Nebra Porter of Tupelo and current NMRLS board member and Brian Neely of Tupelo who served on the NMRLS board for ten years. North Mississippi Rural Legal Services' attorneys work tirelessly to ensure that the ability of citizens to exercise their rights under the law is not contingent on their ability to navigate the legal system on their own. I look forward to hearing of the good work they will continue to do in the communities of North Mississippi.

I commend North Mississippi Rural Legal Services as they continue their pursuit of justice for all.

PERSONAL EXPLANATION

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. TONKO. Mr. Speaker, on Monday, September 26, 2016, I was absent from the House and missed roll call Nos. 557 and 558.

Had I been present for roll call No. 557, motion to suspend the Rules and pass H.R. 3537, the Dangerous Synthetic Drug Control Act of 2016, I would have voted "yea."

Had I been present for roll call No. 558, motion to suspend the Rules and pass H.R. 5392, the No Veterans Crisis Line Call Should Go Unanswered Act, I would have voted "yea."

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. CROWLEY. Mr. Speaker, on September 26, 2016 I was absent for recorded votes Number 557 and Number 558.

On Roll Call Number 557 I would have voted no, and on Roll Call Number 558 I would have voted yes.

CELEBRATING THE COUNTRY OF GEORGIA'S 25TH ANNIVERSARY OF REGAINING ITS INDEPENDENCE FROM THE SOVIET UNION

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. MCCLINTOCK. Mr. Speaker, I rise today to celebrate the country of Georgia's 25th anniversary of regaining its independence from the Soviet Union. In these two short decades, Georgia has embraced freedom and made remarkable progress.

Georgia has worked to become a leading example of democracy in a region where dictatorship is all too common and is reaping the fruits of free market reforms that bolster growth by reducing government regulation, fighting corruption, and simplifying the tax code. Through these efforts, Georgia strengthens its commercial, political, and security ties with the West—particularly with the United States through a strategic partnership built on shared democratic principles.

Georgia has been a steadfast ally of the United States, strongly supporting U.S. security initiatives in the fight against terrorism and is the third largest contributor of troops to the Global War on Terror's Resolute Support Mission in Afghanistan.

These accomplishments shine all the more when taken in context of the challenges Georgia continues to face from Russia's voracious appetite for aggression in the region.

Today marks the 23rd anniversary of the fall of Sokhumi, Georgia, to Russian troops and local separatist forces in 1993. The brutal massacre, torture, and expulsion of hundreds of thousands of ethnic Georgians from their

homes that followed marked the beginning of Russia's efforts to occupy Georgia's territory. The U.S. State Department reported that:

"The [Abkhaz] separatist forces committed widespread atrocities against the Georgian civilian population, killing many women, children, and elderly, capturing some as hostages and torturing others . . . they also killed large numbers of Georgian civilians who remained behind in Abkhaz-seized territory . . ."

"The separatists launched a reign of terror against the majority Georgian population, although other nationalities also suffered. Chechens and other north Caucasians from the Russian Federation reportedly joined local Abkhaz troops in the commission of atrocities . . . Those fleeing Abkhazia made highly credible claims of atrocities, including the killing of civilians without regard for age or sex. Corpses recovered from Abkhaz-held territory showed signs of extensive torture."

It is in the interest of the American people to support Georgia's long-term stability by promoting its sovereignty and territorial integrity. Georgia's primary foreign policy goal is to attain membership in the North Atlantic Treaty Organization, thereby integrating itself into the Euro-Atlantic community and containing Russia's expansionist efforts in the region.

I urge my colleagues to join me in reaffirming our commitment to the U.S.-Georgia strategic partnership. We must stand with the Georgian people as they continue to pursue free and democratic reforms in the face of Russian hostility.

Mr. Speaker, I congratulate the Georgian people on their 25 years of progress as an independent state, wish them well in the upcoming parliamentary election on October 8, 2016, and offer my support of our continued friendship.

PERSONAL EXPLANATION

HON. TAMMY DUCKWORTH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. DUCKWORTH. Mr. Speaker, on September 26, 2016, on Roll Call Number 557 on the motion to suspend the rules and pass, as amended, H.R. 3537, Dangerous Synthetic Drug Control Act, I am not recorded. Had I been present, I would have voted Yea on the motion to suspend the rules and pass, as amended, H.R. 3537.

On September 26, 2016, on Roll Call Number 558 on the motion to suspend the rules and pass H.R. 5392, No Veterans Crisis Line Call Should Go Unanswered Act, I am not recorded. Had I been present, I would have voted Yea on the motion to suspend the rules and pass H.R. 5392.

TRIBUTE TO BRET PERRY

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to congratulate Staff Sergeant Bret Perry, of Adel, Iowa, for being awarded the Soldier's Medal, the highest honor a soldier can receive during peace time, for rescuing three people from a burning house.

Staff Sergeant Perry was traveling to work at the U.S. Army Recruiting Station in Urbandale, IA, in August 2015 when he noticed the smoke from a house fire on a nearby hill. Once he arrived at the house, he found the neighbor tapping on a window trying to wake those inside. After no one answered the doorbell, he burst through the front door with his shoulder and rolled down the stairs to the bottom floor of the split-level house. Forced to crawl up the stairs because of the smoke, he checked each room. In one, he found a woman who was only awakened by his kicking open the door. He got her outside to safety. He then entered the house two additional times to rescue two young adults in the house. After his last daring rescue, the local fire department arrived. Bret left the scene and went to work. His co-workers did not believe his incredulous story behind arriving to work late until they smelled the smoke on his uniform.

This was not the only time Staff Sergeant Perry has rushed to the aid of others. A few months after the fire rescue, according to the Army Times, Perry ran to a car which had lost control, rolled over several times, and ended on its side in a ditch. Perry rushed to the vehicle, rescuing the woman and her baby in the back seat as the car began to smoke. He was awarded the U.S. Army Achievement Medal for his actions. Years earlier when he was stationed in Italy, he ran to the aid of two off-duty U.S. soldiers caught up in a vicious fight, successfully driving off the assailants.

Mr. Speaker, I commend Staff Sergeant Perry for the selfless heroism that has earned him the Soldier's Medal. Throughout his life he has chosen to protect and serve others, and it is because of Iowans like him that I'm proud to represent our great state. I urge my colleagues in the United States House of Representatives to join me in honoring Staff Sergeant Perry and in wishing him nothing but continued success.

VOTING RIGHTS

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2016

Ms. ROYBAL-ALLARD. Mr. Speaker, to help my constituents gain a better understanding of the negative impact of the Supreme Court decision Shelby County v. Holder, on May 20, 2016, I hosted a forum titled "Protect Your Future: Restore the Vote." My co-chairs were Representative LINDA SÁNCHEZ, Chair of the Congressional Hispanic Caucus; Representative JUDY CHU, Chair of the Asian Pacific American Caucus; and special guest, Representative KAREN BASS.

Members from our communities heard expert testimony from the Mexican American Legal Defense Fund. For that reason, I include in the RECORD testimony from Tom Saenz of MALDEF.

STATEMENT OF THOMAS A. SAENZ

PRESIDENT AND GENERAL COUNSEL

MALDEF

REGARDING THE EFFECTS OF SHELBY COUNTY V. HOLDER

Since 2009, I have had the great honor of serving as President and General Counsel of MALDEF (Mexican American Legal Defense and Educational Fund), a national legal civil rights organization whose mission is to promote the civil rights of all Latinos living in the United States. MALDEF pursues its mission through litigation, policy education and advocacy, community education, and media/communications in the areas of education, employment, immigrant rights, and voting rights. In the area of voting rights, MALDEF is one of a small handful of national nonprofit organizations that have been involved in both litigation and advocacy under the federal Voting Rights Act over several decades. MALDEF currently coordinates a consortium of ten voting rights litigation organizations striving to better coordinate activities nationwide in the aftermath of the 2013 United States Supreme Court decision in Shelby County v. Holder.

Our nation and its most precious democratic values have unquestionably suffered from the Supreme Court majority's 2013 decision in Shelby County v. Holder and the subsequent refusal by congressional leadership to consider, much less vote upon and enact, well-crafted proposals to reaffirm and strengthen the Voting Rights Act of 1965 (VRA) by implementing new formulas to apply the impactful pre-clearance provisions in section 5 of the VRA.

In Shelby County, the Court voted 5–4 to strike down the pre-clearance coverage formula in section 4 of the VRA. The coverage formula had been overwhelmingly approved by bipartisan supermajorities in both houses of Congress in the latest VRA reauthorization in 2006. The coverage formula that the Court majority struck down required those jurisdictions—mainly states, with some counties and other parts of states—with histories of low electoral participation and of efforts to suppress participation by minority voters, to comply with a pre-clearance obligation as to all proposed electoral changes. The effect of the Court's decision was to completely disable the application of the pre-clearance obligation absent a rarely-issued federal court order subjecting a specific jurisdiction to pre-clearance for a limited period of time. Of course, the Congress can, at any time, subject to the requisite constitutional showing of adequate findings, enact a new coverage formula or formulas to subject other jurisdictions to the pre-clearance obligation with respect to specific or all electoral changes.

It is no exaggeration to label, as it has now often been characterized, section 5 of the VRA and its pre-clearance mechanism as one of the most effective civil rights provisions ever enacted in federal law. Before the Court decision in Shelby County, pre-clearance had, through almost half a century, blocked the implementation of numerous proposed electoral changes that were intended to suppress minority participation or to limit minority electoral power, and numerous other proposed changes that would have been retrogressive in effect, threatening to reduce acquired minority electoral power.

In addition, however, a full appreciation of the damage the Shelby County decision has wrought requires recognizing that section 5 is also one of the first enactments of an alternative dispute resolution (ADR) mechanism into federal law. ADR can be powerfully efficient and effective in resolving disputes without requiring resort to litigation in court. Ironically, the same Supreme Court majority that struck down the VRA coverage formula and disabled section 5 has strongly embraced ADR in the form of mandatory arbitration contracts, even where serious concerns have been raised about bias against employees or consumers in arbitration and about unequal power in negotiating arbitration agreements. Indeed, Section 5 actually includes the very kinds of protections

that are not often seen in other ADR schemes, including the absolute right to seek court review instead of review by the Department of Justice.

With this in mind, the damage from the Shelby County decision, and the congressional inaction in response, falls into three areas. First, the nation has been deprived of advance notice with regard to electoral changes in those jurisdictions previously covered. These changes, which previously would have been developed and submitted for pre-clearance well in advance, include many changes—with significant potential effects on electoral participation, particularly among minority voters—that today are often revealed very close in time to an election. Such changes as precinct consolidations, alterations in precinct boundaries, and changes in voting locations often occur too close to an election to prevent their implementation through litigation under the stillviable section 2 of the VRA, prohibiting minority vote dilution, or other constitutional or statutory provisions. Courts are, perhaps understandably, reluctant to issue a preliminary injunction so close in time to a scheduled election. This problem is exacerbated by the lack of advance notice of such changes previously provided by the section 5 preclearance obligation.

For example, Arizona was a covered jurisdiction, so, prior to the Shelby County decision, the state and all its governmental subdivisions had to seek and obtain pre-clearance for any electoral change. Recently, in the 2016 Arizona presidential primary, there were widespread reports of very long lines and chaos at polling places. This seems to have been caused in large part by a drastic reduction in the number of polling places, a change apparently undertaken as a cost-saving measure. Whether or not this ill-considered decision had a particularly pronounced effect on minority voters in Maricopa County, such a change would have been analyzed in advance for its discriminatory potential under preclearance prior to Shelby County. Regardless of whether that analysis would have blocked or altered the plan to reduce polling locations, the requirement of preclearance would at least have provided notice, well in advance, of the intention to drastically reduce polling places. This might have yielded challenge and change, wholly apart from the process of pre-clearance itself.

The second area of damage from the Shelby County decision lies in the inability to review electoral changes for their potential discriminatory elements before the changes are implemented. As noted above, courts are often reluctant to issue preliminary injunctions with respect to elections matters. Indeed, a preliminary injunction is extraordinary court relief in any circumstance, but there is a particular reticence with respect to elections because of the potential disruption of the plans and efforts of so many voters and candidates. However, elections are also particularly resistant to remedy after the fact. Once an election has occurred under a particular electoral change, it is nearly impossible to ''unring the bell'' and discount an election or its results once reported, even if only unofficially by media engaged in exit polling. Thus, the inability to bar implementation of an electoral change by requiring pre-clearance prior to implementation results in severely limited or no remedy at all to what may be actions with significant discriminatory effects. When this occurs, this does palpable and lasting harm to voters' respect for democracy and can deter participation by understandably distrustful minority voters in many future elections.

Soon after the Shelby County decision, the mayor of Pasadena, Texas announced his intent to pursue a change to the city's elections that he would not have pursued when the city was subject to preclearance as a subjurisdiction in the covered state of Texas. He sought to change the eight-member council from one comprised of candidates elected in eight single-member districts to one comprised of representatives from six single-member districts and two members elected at large by the entire city. Based on participation differentials between groups, this change would have the effect of reducing the growing Latino community's chances to elect a majority of the council. The change was adopted and has now been implemented, while MALDEF pursues an ongoing legal challenge to the change and its effects on the Latino vote. It is unclear how many elections will occur under the flawed changes before the court case is finally resolved.

The third area of Shelby County harm lies in requiring the resolution of disputes regarding potentially discriminatory electoral changes through inefficient and costly litigation under section 2 of the VRA. The Supreme Court's adopted test for resolving section 2 claims is ''totality of the circumstances.'' The phrase alone illustrates the scope of such litigation, ordinarily involving multiple experts on both sides of a case, numerous percipient lay witnesses, and voluminous sets of documentary exhibits. The presentation of all of this testimony and other evidence consumes many months in preparatory depositions, discovery, and resolution of evidentiary disputes. Trial, even if streamlined in multiple ways by the court, usually involves weeks or months of presentation to a judge. The court itself then faces the arduous task of evaluating the evidence and making findings of fact and drawing conclusions of law to support a decision under the ''totality of the circumstances.'' The costs in both time and money associated with this arduous court journey are significant, and most often imposed on and borne entirely by a challenged jurisdiction that loses a filed section 2 case. The same jurisdiction could get to the same result, at a fraction of the cost through pre-clearance.

MALDEF has long been a leader in pursuing section 2 litigation in the formerly covered state of Texas. The dispute over Texas statewide redistricting in 2011 ended up being challenged under section 2 at the same time that it was subject to consideration for pre-clearance under section 5 by a three-judge district court in Washington, D.C. The Washington, D.C. court rejected the original Texas redistricting plan even before the Shelby County decision, but the Court's ruling wiped that conclusion from the books. The section 2 case had to be tried over several months in 2014. The trial was concluded and fully briefed as of December 2014. More than 16 months later, we are still awaiting a district court decision on the section 2 case. This ongoing wait epitomizes that third area of harm from the Shelby County decision.

Some might assume that the ongoing harms from the Shelby County decision and the congressional failure to respond with appropriate legislation are limited to the areas, and their residents, that were previously subject to pre-clearance under the coverage formula that the Court struck down. In fact, the entire nation suffers the damage inflicted by the decision and its aftermath. The pre-clearance process—the submission and analysis of electoral changes for discrimination—provided a nationwide indication of the potential effects of specific changes and specific categories of changes. An adverse pre-clearance decision stood as a warning to non-covered jurisdictions that might be considering, or already have in place, similar electoral procedures as those rejected in a covered jurisdiction.

In this way, pre-clearance provided election administrators and policymakers interested in minimizing discrimination in voting with guidance as to where they might look in current practice to eliminate discriminatory effects and as to what changes they should avoid to prevent further discrimination. Conversely, adverse pre-clearance decisions stood as a warning and deterrent to administrators and policymakers interested in adopting changes despite or even because of discriminatory effects. Pre-clearance outcomes stood as an indication of possible or likely successful legal challenge to such changes. In effect, just as pre-clearance was a more efficient mechanism to resolve disputes about a specific electoral practice in a specific jurisdiction, it was also a more efficient means to provide persuasive precedent for other jurisdictions, both those covered and those not covered.

Thus, in a state like California, which had only three covered counties at the time the Supreme Court decision came down, everyone still benefitted from the ready and available information provided by the pre-clearance process. In addition, although the state was only partially covered, statewide electoral changes were subject to pre-clearance because of the effects in the covered counties. This meant that statewide elections procedures saw all the benefits of advanced awareness, pre-implementation analysis, and efficient dispute resolution described above.

The experience of three years, including one mid-term election, demonstrate that the absence of the efficient pre-clearance process has deleterious effects on deterring, preventing, and eliminating electoral practices with significant discriminatory effects. MALDEF urges congressional action to reintroduce a coverage formula or formulas—that are responsive to current demographics and dynamics with respect to minority communities—into the VRA. The nation as a whole will benefit from the positive repercussions of an effective pre-clearance process for voting discrimination.

TRIBUTE TO SHERI AND FRED BERGGREN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Sheri and Fred Berggren on the very special occasion of their 60th wedding anniversary.

Sheri and Fred were married on September 18, 1956 and made their home in Nodaway, Iowa. Their lifelong commitment to each other and their family truly embodies Iowa's values. As the years pass, may their love continue to grow even stronger and may they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this couple on their 60 years of life together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

CLAIRE JEFFRESS EXCELS ON AND OFF THE FIELD

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. OLSON. Mr. Speaker, I rise today to recognize Claire Jeffress of Pearland, TX for her outstanding extracurricular activities on and off the field.

As a strong soccer player, it was a natural fit for Claire to start playing football in seventh grade. Now a varsity football player at Dawson High School, Claire is the kicker for the Eagles and has proven she can hold her own with her teammates. When she's not kicking her way to victory on the football field, Claire puts her leadership skills to work as a member of my Congressional Youth Advisory Council (CYAC). In her second year as part of CYAC, Claire joins 19 other high school students who provide me with critical input on issues they face, while also hearing from community leaders throughout the year.

On behalf of the Twenty-Second Congressional District of Texas, I thank Claire Jeffress for all of her contributions to our community. We are proud of her for breaking barriers and setting a great example for other young girls. We expect great things from her in the future.

TRIBUTE TO MARGARET AND MICK FREEMAN

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Margaret and Mick Freeman of Council Bluffs, Iowa, on the very special occasion of their 50th wedding anniversary. They were married on August 7, 1966 at Goldfield United Methodist Church in Goldfield, Iowa.

Margaret and Mick's lifelong commitment to each other and their six children, Susan, Sandy, Tom, David, Brad, and Marcia, and their 18 grandchildren, truly embodies Iowa values. As they reflect on their 50th anniversary, may their commitment grow even stronger as they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

TUESDAYS IN TEXAS: BESSIE COLEMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. POE of Texas. Mr. Speaker, in January 26, 1892, a young woman was born in Atlanta, Texas. Her name was Bessie Coleman and she continues to inspire generations of African American women around the United States and in the great state of Texas. As the tenth of thirteen children whose father had left to Oklahoma seeking refuge from racial barriers, she was forced to work at the cotton harvest every year to help support her family. However, in 1915, she moved to Chicago seeking to become something greater. She had no idea how this step would change American history forever.

She began working as a manicurist in Chicago, but the stories of pilots from the First World War intrigued her. This, along with friendly taunts from her brother, would motivate her to learn how to fly. However, schools in America denied her entrance, so she set out to attend aviation school in France. She attended the Caudon Brother's School of Aviation, where she completed a 10 month program in only 7 months. She also received her international aviation pilot's license from the renowned Federation Aeronautique Internationale, making her the first African American and Native American woman to earn a pilot's license.

But this is not the end of her amazing story. Coleman returned to the United States and specialized in stunt flying and parachuting. She earned her living by barnstorming and performing aerial tricks. She became the first African American woman to perform a public flight in America. Although she changed her mind about starting a flying school for African Americans, she still encouraged other African Americans to learn how to fly. Most importantly, she stood up for an entire community of people when she refused to perform in places that would not admit members of her race.

Unfortunately, her life would end shortly at only 34 years old after a test flight gone wrong caused her to fall hundreds of feet to her death in April of 1926.

Mr. Speaker, Ms. Coleman's strength, endurance, and ability to break down barriers are truly inspiring. I am incredibly proud that such an amazing legacy started in Texas. It is an honor to come from a state full of people known for breaking down barriers and overcoming obstacles against all odds.

And that's just the way it is.

TRIBUTE TO KATHLEEN AND P. RICHARD KELLEY

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Kathleen and P. Richard Kelley of Elliott, Iowa, on the very special occasion of their 60th wedding anniversary. They celebrated their anniversary on August 6, 2016.

Kathleen and P. Richard's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 60th anniversary, may their commitment grow even stronger as they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this great couple on their 60th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

IN HONOR OF SUPERVISOR JIM CHAPMAN FOR 43 YEARS OF COMMUNITY LEADERSHIP

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. MCCLINTOCK. Mr. Speaker, I rise today, on behalf of myself and Mr. LAMALFA, to honor the service of Supervisor Jim Chapman for his 43 years of outstanding leadership in Lassen County.

In 1974, at the age of 19, Jim was first elected to the Susanville City Council. Two years later, Jim was elected to serve as Mayor. In 1976, he began serving the first of nine terms as Lassen County Supervisor representing District 2.

Jim has proudly represented all aspects of the community. He has served on numerous boards and committees, including: Lassen College Board of Trustees, Lassen Hospital Board, Lassen High School Alumni Association (President, 2013 through 2014), Lassen County Chamber of Commerce (President, 2000), Susanville Kiwanis Club (President, 1985 through 1986), Rotary Club of Susanville (President, 2014 through 2015), Lassen County Special Olympics, Rural County Representative of California (President, 1982), and Lassen County Transportation Commission, among many others.

Supervisor Chapman's distinguished career of service has not only benefited but truly inspired residents of Lassen County and beyond, as evidenced by numerous awards with which Jim has been honored, including:

25 Year Service Award from Special Olympics of Northern California;

CALAFCO Lifetime Achievement Award;

Elks Distinguished Citizen in 2010; and

2016 Lassen High School Alumnus of the Year.

In addition to his exemplary public service, Jim has led a personal life filled with community involvement. He is a co-founder of the Lassen Sportsmen's Club Junior Fishing Derby, a Past Master of Lassen Masonic Lodge, a 33rd Degree Scottish Rite Mason, a Ben Ali Shriner; a 40-year host for "Old Timers Day" at the Lassen County Fair, and a Knight of the York Cross of Honour.

Mr. Speaker, Supervisor Jim Chapman has an incomparable record of service to his community. We commend him for setting an example of outstanding leadership.

TRIBUTE TO THE DES MOINES AREA RELIGIOUS COUNCIL FOOD PANTRY NETWORK

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize the Des Moines Area Religious Council (DMARC) Food Pantry Network for their 40 years of service to the hungry citizens of central Iowa.

DMARC was founded in 1952 to assist the spiritual needs of the community and promote spiritual, moral, social, and civic welfare of the community. In May 1976, DMARC officials established the Food Pantry Network, an emergency food program to help provide services

to the hungry in the area. In the 40 years since its creation, it has become the largest food pantry network in Iowa, with 11 sites in the Des Moines metropolitan area, including sites in the Des Moines Independent School District, helping to feed 34,000 people annually. The Des Moines Area Religious Council Food Pantry Network is comprised of 128 member congregations representing a number of different faiths. These willing volunteers provide food and service hours. The Des Moines Area Religious Council Food Pantry Network also receives generous assistance from individuals, businesses, and non-member congregations.

Mr. Speaker, I commend The Des Moines Area Religious Council Food Pantry Network on their 40 years and thank them for providing such an important service. I ask that my colleagues in the United States House of Representatives join me in congratulating the Des Moines Area Religious Council Food Pantry Network and in wishing them nothing but continued success.

FORT BEND COUNTY HISTORICAL COMMISSION WINS DISTINGUISHED SERVICE AWARD

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. OLSON. Mr. Speaker, I would like to congratulate the Fort Bend County Historical Commissioners for winning the Texas Historical Commission Distinguished Service Award.

The Commission is comprised of volunteer historians and preservationists appointed by the Fort Bend County Commissioners Court to protect Texas history, culture and education throughout the state. Volunteers have dedicated over 480,000 hours to recognizing, protecting and transcribing various parts of Texas history so future Texans can continue to learn the heritage of our great state.

On behalf of the Twenty-Second Congressional District of Texas, congratulations again to the Fort Bend County Historical Commissioners for winning the THC Distinguished Service Award. We appreciate your continued efforts to preserve the history that has made Texas so great.

TRIBUTE TO AGGIE AND RON DAVIS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Aggie and Ron Davis of Des Moines, Iowa, on their 70th wedding anniversary.

Their lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 70th anniversary, may their commitment grow even stronger as they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this great couple on their 70th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

VETERANS-SPECIFIC EDUCATION FOR TOMORROW'S MEDICAL DOCTORS (VET MD) ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. KAPTUR. Mr. Speaker, I rise today to introduce a bill that addresses two problems: the disparity in access to clinical observation experiences for pre-medical school students and the severe shortage of physicians at VA hospitals. By creating a pre-med observation (shadowing) program within the VA, we both expand access to medical observation opportunities, particularly for underrepresented populations such as minority or rural-based students, and expose America's future doctors to the Veteran health system, increasing awareness of job opportunities within the VA.

When applying to medical school, students who have spent time observing, or shadowing, physicians in a clinical setting have an advantage both with admissions and in deciding on a future specialty. It is recommended applicants have more than 40 hours of observational experience to be competitive. Opportunities to observe however are limited and vary widely between universities and hospitals.

Students who are from, or attend schools in rural areas, who are from low economic status, or whose families lack connections within the medical community often find it harder to attain observation hours and are disadvantaged in medical school admissions, contributing to the lack of diversity in our medical professions. Universities and hospitals with organized pre-med experience or clinician observation programs report having a significantly more diversified participation pool than those who rely purely on personal connections to attain observation opportunities.

On the medical side, the VA is chronically short physicians. In fact, more than 5,100 additional physicians are needed across the VA system as of August 2015, and annually they recruit for over 41,000 positions throughout their medical facilities. This leads to increased wait times and decreased patient care. To fill these positions, the VA must compete with private hospitals that often are able to make more lucrative offers to prospective hires.

By incorporating an organized clinician observation program into the VA, future physicians will be exposed to the unique problems of U.S. veteran healthcare and the VA will create a pool of potential medical professional recruits. Early exposure will encourage future participation either as veteran physicians themselves or advocates within the community. The VA will simultaneously be helping the next generation of physicians gain valuable experience and addressing their physician shortage problem.

TRIBUTE TO DONNA LEE AND DON BUCH

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Donna Lee and Don Buch of Grimes, Iowa, as they celebrate their 65th wedding anniversary.

Donna Lee and Don were married in Clarinda on August 12, 1951. Their lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 65th anniversary, may their commitment grow even stronger as they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this lovely couple on their 65 years of life together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

RECOGNIZING THE EFFORTS OF LONNIE BUNCH, THE FOUNDING DIRECTOR OF THE SMITHSONIAN NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Lonnie G. Bunch III; a great educator and American historian who's relentless and dedicated work led to the opening of the Smithsonian National Museum of African American History and Culture on the national mall this past weekend.

From a young age, Lonnie has cared about the stories of those who are anonymous. The experience of a four-year-old Lonnie with his grandfather looking at a photo of unidentified African-American schoolchildren in a book left him wanting to learn their stories. The curiosity inspired by hearing his neighbors speak Sicilian urged him to understand the history that led groups of immigrants to populate his neighborhood in New Jersey.

These experiences as a child helped shape the distinguished career Mr. Bunch would have as an author, educator and curator at various institutions. While serving as president at the Chicago Historical Society, Mr. Bunch was approached by the Smithsonian Institute to be the founding director of the National Museum of African American History and Culture. Mr. Bunch spent the next decade traveling around the world raising the $270 million needed to open the museum while also leading the charge in opening seven different exhibits related to African American history and culture in the Smithsonian National Museum of American History. Mr. Bunch is also responsible for establishing a daylong workshop program designed to identify and preserve items of historical significance.

Through his career endeavors culminating in the opening of the Smithsonian National Museum of African American History and Culture,

Mr. Bunch has presented an opportunity to every American visiting Washington, DC to experience the history of the United States through a unique prospective.

TRIBUTE TO VAN WALL EQUIPMENT

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Van Wall Equipment in Perry, Iowa, on being named the 2016 Dealership of the Year by Farm Equipment magazine.

Van Wall, founded in 1977, is recognized for their continued growth, having added 11 agricultural stores, one Powersports store, and one Doosan Material Handling dealership since 2014. Van Wall Equipment was recognized for keeping diversification at the forefront by selling crop insurance, artistic concrete, and soil moisture monitors. Don Van Houweling, the owner and general manager of Van Wall Equipment, credits the great employees he has had over the years, telling the Dallas County News that the dealership motto is ''the clear first choice.''

Mr. Speaker, I commend Van Wall Equipment for earning the 2016 Dealership of the Year award, and for their nearly 35 years of service to Iowa farmers. I urge my colleagues in the United States House of Representatives to join me in congratulating Van Wall Equipment and wishing them nothing but continued success.

REMEMBERING VIRGIL GANT

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. OLSON. Mr. Speaker, I rise today to honor the late Virgil Gant of Pearland, TX, who was killed in a tragic truck accident this summer.

Virgil was the longest-serving member on the Pearland ISD Board of Trustees, having served 16 years. Throughout his time on the Board, Virgil displayed true leadership, serving as board president and being a member of the Long-Range Planning Steering Committee. In 2014, the Texas Association of School Boards awarded him the Master Trustee designation. Prior to serving on the Board of Trustees, Virgil served our nation with 28 years of active and reserve duty in the United States Navy. Virgil Gant epitomized the best qualities of a Texan and American patriot. His dedication to his country and community will be greatly missed.

On behalf of the Twenty-Second Congressional District of Texas, we mourn the loss of Virgil Gant. He truly was a beloved member of the Pearland community. Our thoughts and prayers are with his family.

TRIBUTE TO BARB AND BILL FAILOR

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Barb and Bill Failor of Ankeny, Iowa, on their 60th wedding anniversary.

Barb and Bill's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 60th anniversary, may their commitment grow even stronger as they continue to love, cherish, and honor one another for the years to come.

Mr. Speaker, I commend this lovely couple on their 60 years of life together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

TRIBUTE TO MAXINE AND KENNY DASS

HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2016

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Maxine and Kenny Dass of Ankeny, Iowa, as they celebrate their 60th wedding anniversary.

Their lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 60th anniversary, may their commitment grow even stronger as they continue to love, cherish, and honor one another for years to come.

Mr. Speaker, I commend this great couple on their 60th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

Daily Digest

Senate

Chamber ActionS

Routine Proceedings, pages S6091–S6164

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 3395–3405, and S. Res. 580–582. **Page S6139**

Measures Reported:

S. 2966, to update the financial disclosure requirements for judges of the District of Columbia courts, and to make other improvements to the District of Columbia courts, with amendments. (S. Rept. No. 114–359)

S. 2968, to reauthorize the Office of Special Counsel, with amendments. (S. Rept. No. 114–360)

S. 2975, to provide agencies with discretion in securing information technology and information systems, with amendments. (S. Rept. No. 114–361)

S. 2421, to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska. (S. Rept. No. 114–362)

S. 2959, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, with amendments. (S. Rept. No. 114–363)

S. 2607, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things, with an amendment in the nature of a substitute. (S. Rept. No. 114–364)

S. 3183, to prohibit the circumvention of control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, with an amendment in the nature of a substitute. **Pages S6137–38**

Measures Considered:

Legislative Branch Appropriations Act—Agreement: Senate continued consideration of H.R. 5325, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, taking action on the following amendments and motions proposed thereto: **Pages S6092–97, S6108–26**

Pending:

McConnell (for Cochran) Amendment No. 5082, in the nature of a substitute. **Page S6093**

McConnell Amendment No. 5083 (to Amendment No. 5082), to change the enactment date. **Page S6093**

McConnell Amendment No. 5084 (to Amendment No. 5083), of a perfecting nature. **Page S6093**

McConnell Amendment No. 5085 (to the language proposed to be stricken by Amendment No. 5082), to change the enactment date. **Page S6093**

McConnell Amendment No. 5086 (to Amendment No. 5085), of a perfecting nature. **Page S6093**

McConnell motion to commit the bill to the Committee on Appropriations, with instructions, McConnell Amendment No. 5087, to change the enactment date. **Page S6093**

McConnell Amendment No. 5088 (to (the instructions) Amendment No. 5087), of a perfecting nature. **Page S6093**

McConnell Amendment No. 5089 (to Amendment No. 5088), of a perfecting nature. **Page S6093**

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 55 nays (Vote No. 146), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on McConnell (for Cochran) Amendment No. 5082 (listed above). **Page S6108**

Senator McConnell entered a motion to reconsider the vote by which cloture was not invoked on McConnell (for Cochran) Amendment No. 5082. **Page S6108**

By 40 yeas to 59 nays (Vote No. 147), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the bill. **Page S6108**

Senator McConnell entered a motion to reconsider the vote by which cloture was not invoked on the bill. **Page S6108**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m. on Wednesday, September 28, 2016, until 10 a.m.; and that at 10 a.m., Senate resume consideration of the veto message on S. 2040, to deter terrorism, provide justice for victims, as

under the previous order of Monday, September 26, 2016. Page S6162

Appointments:

National Advisory Committee on Institutional Quality and Integrity: The Chair, on behalf of the President pro tempore, pursuant to Public Law 110–315, announced the re-appointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Paul LeBlanc of New Hampshire. Page S6162

Nominations Received: Senate received the following nominations:

Julie Rebecca Breslow, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Deborah J. Israel, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Carmen Guerricagoitia McLean, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

1 Navy nomination in the rank of admiral. Page S6164

Messages from the House: Page S6137

Measures Referred: Page S6137

Measures Placed on the Calendar: Page S6137

Executive Reports of Committees: Pages S6138–39

Additional Cosponsors: Pages S6139–41

Statements on Introduced Bills/Resolutions: Pages S6141–44

Additional Statements: Pages S6135–37

Amendments Submitted: Pages S6144–61

Authorities for Committees to Meet: Page S6162

Record Votes: Two record votes were taken today. (Total—147) Page S6108

Adjournment: Senate convened at 10 a.m. and adjourned at 6:44 p.m., until 9:30 a.m. on Wednesday, September 28, 2016. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S162.)

Committee Meetings

(Committees not listed did not meet)

FTC OVERSIGHT

Committee on Commerce, Science, and Transportation: Committee concluded an oversight hearing to examine the Federal Trade Commission, after receiving testimony from Edith Ramirez, Chairwoman, and Maureen K. Ohlhausen, and Terrell McSweeny, both a Commissioner, all of the Federal Trade Commission.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Christopher Coons, of Delaware, and Ronald H. Johnson, of Wisconsin, both to be a Representative of the United States of America to the Seventy-first Session of the General Assembly of the United Nations, and Sung Y. Kim, of California, to be Ambassador to the Republic of the Philippines, Rena Bitter, of Texas, to be Ambassador to the Lao People's Democratic Republic, W. Stuart Symington, of Missouri, to be Ambassador to the Federal Republic of Nigeria, Andrew Robert Young, of California, to be Ambassador to Burkina Faso, Joseph R. Donovan, Jr., of Virginia, to be Ambassador to the Republic of Indonesia, and a routine list in the Foreign Service, all of the Department of State.

FIFTEEN YEARS AFTER 9/11

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine fifteen years after 9/11, focusing on threats to the homeland, after receiving testimony from Jeh Charles Johnson, Secretary of Homeland Security; James B. Comey, Director, Federal Bureau of Investigation, Department of Justice; and Nicholas J. Rasmussen, Director, National Counterterrorism Center.

INTELLIGENCE

Select Committee on Intelligence: Committee concluded a hearing to examine certain intelligence matters, after receiving testimony from Robert Cardillo, Director, National Geospatial-Intelligence Agency, Department of Defense.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 6174–6194; and 3 resolutions, H. Con. Res. 163–164; and H. Res. 896 were introduced. Pages H5999–H6000

Additional Cosponsors: Pages H6001–02

Reports Filed: Reports were filed today as follows:

Committee on Oversight and Government Reform. Recommending that the House of Representatives find Bryan Pagliano in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform (H. Rept. 114–792);

H.R. 3608, to amend the Internal Revenue Code of 1986 to exempt amounts paid for aircraft management services from the excise taxes imposed on transportation by air, with an amendment (H. Rept. 114–793); and

H. Res. 897, providing for further consideration of the bill (H.R. 5303) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; providing for consideration of the bill (H.R. 6094) to provide for a 6-month delay in the effective date of a rule of the Department of Labor relating to income thresholds for determining overtime pay for executive, administrative, professional, outside sales, and computer employees; and providing for proceedings during the period from September 29, 2016, through November 11, 2016 (H. Rept. 114–794). Page H5999

Speaker: Read a letter from the Speaker wherein he appointed Representative Byrne to act as Speaker pro tempore for today. Page H5915

Recess: The House recessed at 10:28 a.m. and reconvened at 12 noon. Page H5921

Guest Chaplain: The prayer was offered by the Guest Chaplain, Reverend Greg Young, Brown Deer United Church of Christ, Brown Deer, WI. Page H5921

Federal Communications Commission Consolidated Reporting Act: The House agreed to take from the Speaker's table and pass S. 253, as amended by Representative Walden, to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens. Pages H5938–45

Agreed to amend the title so as to read: ''To amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, to consolidate certain reporting obligations of the Commission, and to update certain other provisions of such Act, and for other purposes.''. Page H5945

Advancing Hope Act: he House agreed to discharge from committee and pass S. 1878, to extend the pediatric priority review voucher program. Pages H5945–46

Federal Aviation Administration Veteran Transition Improvement Act of 2016: The House agreed to take from the Speaker's table and pass S. 2683, to include disabled veteran leave in the personnel management system of the Federal Aviation Administration. Page H5946

Veterans Day Moment of Silence Act: The House agreed to discharge from committee and pass S. 1004, to amend title 36, United States Code, to encourage the nationwide observance of two minutes of silence each Veterans Day. Pages H5946–47

Expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes: The House agreed to discharge from committee and agree to H. Res. 851, as amended by Representative Ros-Lehtinen, expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes. Pages H5947–49

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

Treatment of Certain Payments in Eugenics Compensation Act: S. 1698, to exclude payments from State eugenics compensation programs from consideration in determining eligibility for, or the amount of, Federal public benefits; Pages H5949–50

Bottles and Breastfeeding Equipment Screening Act: H.R. 5065, amended, to direct the Secretary of Homeland Security to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, and juice on airplanes; and Pages H5950–52

Agreed to amend the title so as to read: ''To direct the Administrator of the Transportation Security Administration to notify air carriers and security screening personnel of the Transportation Security Administration of such Administration's guidelines regarding permitting baby formula, breast milk, purified deionized water, and juice on airplanes, and for other purposes.''. Page H5952

Gains in Global Nuclear Detection Architecture Act: H.R. 5391, amended, to amend the Homeland

Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office. **Pages H5952–54**

Consumer Operated and Oriented Plan Act of 2016: The House passed H.R. 954, to amend the Internal Revenue Code of 1986 to exempt from the individual mandate certain individuals who had coverage under a terminated qualified health plan funded through the Consumer Operated and Oriented Plan (CO–OP) program, by a recorded vote of 258 ayes to 165 noes, Roll No. 563.

Pages H5932–36, H5954–61

Pursuant to the Rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. **Page H5954**

H. Res. 893, the rule providing for consideration of the bill (H.R. 954) was agreed to by a yea-and-nay vote of 243 yeas to 177 nays, Roll No. 560, after the previous question was ordered by a yea-and-nay vote of 244 yeas to 176 nays, Roll No. 559.

Pages H5932–36

Water Resources Development Act of 2016: The House began consideration of H.R. 5303, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources. Consideration is expected to resume tomorrow, September 28th. **Pages H5924–32, H5936–38, H5961**

Pursuant to the Rule, the amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–65 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. **Page H5925**

Agreed to:

Shuster amendment (No. 1 printed in H. Rept. 114–790) that makes technical and clarifying revisions to H.R. 5303; includes additional Chief's Reports and Post Authorization Change Reports submitted by the Army Corps of Engineers since May 25, 2016; **Pages H5982–84**

Babin amendment (No. 3 printed in H. Rept. 114–790) that defines parameters and sets guidelines for the scope of ''work'' under Sections 408 review processes; **Page H5985**

Babin amendment (No. 4 printed in H. Rept. 114–790) that allows for channels which have been ''assumed for maintenance'' to be considered the same as ''authorized'' projects; **Pages H5985–87**

Black amendment (No. 5 printed in H. Rept. 114–790) that directs the Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers to provide guidance on the types of circumstances under which the state-of-the-art provision of the Dam Safety Assurance authority might apply to dam safety repair projects; for corps of engineers district offices to effectively communicate with sponsors to establish and implement cost sharing agreements during dam safety repair projects; and for the corps of engineers to communicate the estimated and final cost sharing amounts, executing agreements, with all cost sharing sponsors; **Pages H5987–88**

Blum amendment (No. 6 printed in H. Rept. 114–790) that expedites the Cedar River project for flood risk management authorized in the Water Resources Development Act of 2014; **Pages H5988–89**

Bost amendment (No. 7 printed in H. Rept. 114–790) that authorizes the Corps to consider other potential benefits that may accrue due to rehabilitation of a non-federal levee; **Page H5989**

Dold amendment (No. 9 printed in H. Rept. 114–790) that allows projects funded under section 506(c) of the Water Resources Development Act of 2000 to include compatible recreation features, not to exceed 10 percent of the ecosystem restoration costs of the project; **Page H5989**

Graves (LA) amendment (No. 11 printed in H. Rept. 114–790) that provides criteria for application decisions pursuant to Section 408; **Pages H5990–91**

Graves (LA) amendment (No. 12 printed in H. Rept. 114–790) that expedites certain flood mitigation priority areas; **Page H5991**

Long amendment (No. 13 printed in H. Rept. 114–790) that lifts the Army Corps of Engineer's moratorium on the issuance of dock permits for Table Rock Lake and delays the final rule for revising the Shoreline Management Plan; extends the public comment period and requires a study on the permit fee structure for Table Rock Lake; **Pages H5991–92**

Mica amendment (No. 15 printed in H. Rept. 114–790) that allows the Secretary to adjust the Benefit Cost Ratio after any portion of the authorized project is completed by the Army Corps using non-federal funds; **Page H5992**

Mullin amendment (No. 16 printed in H. Rept. 114–790) that transfers to the Department of the Interior land to be held in trust for the benefit of the Muscogee (Creek) Nation, after the Muscogee (Creek) Nation has paid to the Army Corps of Engineers fair market value of the land transferred; **Pages H5992–93**

Thornberry amendment (No. 18 printed in H. Rept. 114–790) that prohibits the U.S. Army Corps of Engineers from removing privately owned cabins on privately owned land at Lake Kemp for an additional 5 years; **Page H5993**

Weber (TX) amendment (No. 19 printed in H. Rept. 114–790) that requires the Army Corps of Engineers to take into account existing studies and data developed by the Gulf Coast Community Protection and Recovery District when conducting the Coastal Texas Protection and Restoration Study; **Pages H5993–94**

Young (IA) amendment (No. 20 printed in H. Rept. 114–790) that establishes policy for Corps levees that affect community-owned levees; **Page H5994**

Esty amendment (No. 21 printed in H. Rept. 114–790) that directs the Secretary to submit a report within one year of enactment on implementation of corrosion prevention activities under section 1033 of the Water Resources Reform and Development Act of 2014; **Pages H5994–95**

Esty amendment (No. 22 printed in H. Rept. 114–790) that amends section 4009(a) of the Water Resources Reform and Development Act of 2014 to direct the Secretary to conduct a comprehensive assessment and management plan to restore aquatic ecosystems within the coastal waters of the Northeastern United States from the State of Virginia to the State of Maine, including associated bays, estuaries, and critical riverine areas; **Pages H5995–96**

Frankel (FL) amendment (No. 23 printed in H. Rept. 114–790) that provides local communities the option to seek foreign sand sources for shore protection projects; **Page H5996**

Al Green (TX) amendment (No. 24 printed in H. Rept. 114–790) that allows the Secretary to give priority to flood control projects where (1) such project is already authorized and an executed partnership agreement exists; and (2) the project is in an area where loss of life has occurred due to a flooding event; and **Pages H5996–97**

Herrera Beutler amendment (No. 25 printed in H. Rept. 114–790) that expands availability of funds for Watercraft Inspection Stations in northwest states; clarifies that the U.S. Army Corps of Engineers can fund existing watercraft inspection stations. **Page H5997**

Withdrawn:

Lawrence amendment (No. 2 printed in H. Rept. 114–790) that was offered and subsequently withdrawn that would have included gross negligence as an additional reason for obtaining funding following an emergency at a water resources development project. **Pages H5984–85**

Proceedings Postponed:

Graves (LA) amendment (No. 10 printed in H. Rept. 114–790) that seeks to allow the non-federal interest to execute a project or project component when they determine that it can be done at lower cost and/or faster time; directs 20% of money saved back to treasury, and the rest to other corps projects. **Pages H5989–90**

H. Res. 892, the rule providing for consideration of the bill (H.R. 5303) was agreed to by a recorded vote of 241 ayes to 180 noes, Roll No. 562, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 178 nays, Roll No. 561. **Pages H5936–38**

Social Security Advisory Board—Appointment: The Chair announced the Speaker's appointment of the following individual on the part of the House to the Social Security Advisory Board for a term of six years, effective October 9, 2016: Ms. Kim Hildred, Alexandria, VA. **Page H5997**

John C. Stennis Center for Public Service Training and Development—Appointment: The Chair announced the Speaker's appointment of the following individual on the part of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of six years: Mr. Gregg Harper, Pearl, MS. **Page H5997**

Recess: The House recessed at 7:32 p.m. and reconvened at 11:40 p.m. **Page H5997**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H5924.

Senate Referral: S. 1886 was referred to the Committee on Science, Space, and Technology and the Committee on Natural Resources. **Page H5998**

Quorum Calls—Votes: Three yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H5935–36, H5936, H5936–37, H5937–38, H5960–61. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:41 p.m.

Committee Meetings

NATIONAL SECURITY SPACE: 21ST CENTURY CHALLENGES, 20TH CENTURY ORGANIZATION

Committee on Armed Services: Subcommittee on Strategic Forces held a hearing entitled "National Security Space: 21st Century Challenges, 20th Century Organization". Testimony was heard from public witnesses.

BIORESEARCH LABS AND INACTIVATION OF DANGEROUS PATHOGENS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Bioresearch Labs and Inactivation of Dangerous Pathogens". Testimony was heard from Mark Davidson, Associate Deputy Administrator, Veterinary Services, Department of Agriculture; Major General Barbara R. Holcomb, Commanding General, U.S. Army Medical Research and Materiel Command and Fort Detrick, Maryland, Deputy for Medical Systems to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, and Chief, U.S. Army Nurse Corps, Department of the Army; Steve Monroe, Associate Director for Laboratory Science and Safety, Centers for Disease Control and Prevention; Timothy M. Persons, Chief Scientist, Government Accountability Office; Jeff Potts, BioRisk Manager, National Institutes of Health; and Daniel Sosin, Deputy Director and Chief Medical Officer, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention.

EXAMINING LEGISLATIVE PROPOSALS TO ADDRESS CONSUMER ACCESS TO MAINSTREAM BANKING SERVICES

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "Examining Legislative Proposals to Address Consumer Access to Mainstream Banking Services". Testimony was heard from public witnesses.

THE FINANCIAL STABILITY BOARD'S IMPLICATIONS FOR U.S. GROWTH AND COMPETITIVENESS

Committee on Financial Services: Subcommittee on Monetary Policy and Trade held a hearing entitled "The Financial Stability Board's Implications for U.S. Growth and Competitiveness". Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE; LIBYA'S TERRORIST DESCENT: CAUSES AND SOLUTIONS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a markup on H.R. 3693, the "IRGC Terrorist Sanctions Act of 2015"; and a hearing entitled "Libya's Terrorist Descent: Causes and Solutions". H.R. 3693 was forwarded to the full committee, as amended. Testimony was heard from public witnesses.

THE U.S.-REPUBLIC OF KOREA–JAPAN TRILATERAL RELATIONSHIP: PROMOTING MUTUAL INTERESTS IN ASIA

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled "The U.S.-Republic of Korea-Japan Trilateral Relationship: Promoting Mutual Interests in Asia". Testimony was heard from Daniel R. Russel, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

NEW ORLEANS: HOW THE CRESCENT CITY BECAME A SANCTUARY CITY

Committee on the Judiciary: Subcommittee on Immigration and Border Security held a hearing entitled "New Orleans: How the Crescent City Became a Sanctuary City". Testimony was heard from Jeff Landry, Attorney General, Louisiana Department of Justice; Vanita Gupta, Principal Deputy Assistant Attorney General, Department of Justice; Michael Horowitz, Inspector General, Department of Justice; and Zach Butterworth, Executive Counsel and Director of Federal Affairs, Office of Mayor Mitchell J. Landrieu, City of New Orleans.

REGULATORY RELIEF FOR SMALL BUSINESSES, SCHOOLS, AND NONPROFITS ACT; WATER RESOURCES DEVELOPMENT ACT OF 2016

Committee on Rules: Full Committee held a hearing on 6094, the "Regulatory Relief for Small Businesses, Schools, and Nonprofits Act"; and H.R. 5303, the "Water Resources Development Act of 2016" (second meeting). The committee granted, by voice vote, a structured rule for further consideration of H.R. 5303. The rule provides no further general debate. The rule makes in order only those further amendments printed in the Rules Committee report. 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. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Additionally, the rule grants a closed rule for H.R. 6094. The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. The rule provides one motion to recommit. In section 3, the rule provides that on any legislative day during the period from September 29, 2016, through November 11, 2016: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. In section 4, the rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3. In section 5, the rule provides that each day during the period addressed by section 3 of the resolution shall not constitute calendar days for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). In section 6, the rule provides that each day during the period addressed by section 3 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). In section 7, the rule provides that for each day during the period addressed by section 3 shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII (motions to instruct conferees). Testimony was heard from Chairman Kline, and Representatives Scott of Virginia, Walberg, and Takano.

ARE WE LOSING THE SPACE RACE TO CHINA?

Committee on Science, Space, and Technology: Subcommittee on Space held a hearing entitled "Are We Losing the Space Race to China?". Testimony was heard from Dennis C. Shea, Chairman, U.S.-China Economic and Security Review Commission; and public witnesses.

OPPORTUNITY RISING: THE FAA'S NEW REGULATORY FRAMEWORK FOR COMMERCIAL DRONE OPERATIONS

Committee on Small Business: Subcommittee on Investigations, Oversight and Regulations held a hearing entitled "Opportunity Rising: The FAA's New Regulatory Framework for Commercial Drone Operations". Testimony was heard from public witnesses.

INVESTIGATING HOW VA IMPROPERLY PAID MILLIONS TO INCARCERATED VETERANS

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing entitled "Investigating How VA Improperly Paid Millions to Incarcerated Veterans". Testimony was heard from Michael J. Missal, Inspector General, Office of Inspector General, Department of Veterans Affairs.

EFFECTIVE ENFORCEMENT OF U.S. TRADE LAWS

Committee on Ways and Means: Subcommittee on Trade held a hearing entitled "Effective Enforcement of U.S. Trade Laws". Testimony was heard from R. Gil Kerlikowske, Commissioner, Customs and Border Protection.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 28, 2016

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider the nominations of Christopher James Brummer, of the District of Columbia, and Brian D. Quintenz, of the District of Columbia, both to be a Commissioner of the Commodity Futures Trading Commission, Time to be announced, S–216, Capitol.

Committee on Foreign Relations: Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy, to hold hearings to examine the persistent threat of North Korea and developing an effective United States response, 10 a.m., SD–419.

Committee on Judiciary: Subcommittee on Immigration and the National Interest, to hold an oversight hearing to examine the Administration's fiscal year 2017 refugee resettlement program, 10 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Emerging Threats and Capabilities, hearing entitled "Department of Defense Laboratories: Innovation through Science and Engineering in Support of Military Operations", 2 p.m., 2212 Rayburn.

Committee on Financial Services, Full Committee, hearing entitled "Semi-Annual Testimony on the Federal Reserve's Supervision and Regulation of the Financial System", 10 a.m., 2128 Rayburn.

Subcommittee on Housing and Insurance, hearing entitled "The Impact of US–EU Dialogues on U.S. Insurance Markets", 2 p.m., 2128 Rayburn.

Committee on the Judiciary, Full Committee, hearing entitled "Oversight of the Federal Bureau of Investigation", 9 a.m., 2154 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Information Technology, hearing entitled "Cybersecurity: Ensuring the Integrity of the Ballot Box", 2 p.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on a Resolution Recommending that the House of Representatives find Bryan Pagliano in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform, 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing entitled "Department of Veterans Affairs Leases: Is the VA Over-Paying for Leased Medical Facilities?", 10:30 a.m., 2253 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on health care fraud investigations, 10 a.m., 1100 Longworth.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, September 28

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 5325, Legislative Branch Appropriations Act.

At 10 a.m., Senate will resume consideration of the veto message on S. 2040, Justice Against Sponsors of Terrorism Act, and vote on passage of the bill, the objections of the President to the contrary notwithstanding, at approximately 12 noon.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, September 28

House Chamber

Program for Wednesday: Continue consideration of H.R. 5303—Water Resources Development Act of 2016 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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