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# *House of Representatives*

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*February 2, 2017.*

I hereby appoint the Honorable MIKE BOST 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 3, 2017, 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.

## DON'T ROB VICTIMS OF CRIME

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

Mr. POE of Texas. Mr. Speaker, before I came to Congress, I spent my other life in the criminal justice system, first as a prosecutor in Texas, and then as a criminal court judge for over 22 years. I heard about 20,000 to 25,000 felony cases during that time, everything from stealing to killing. I saw a lot of people come to the courthouse, and most of those individuals did not want to be there. That included defendants, but it also included victims of crime.

Victims were people from all types of backgrounds. Mr. Speaker, they all had something in common. They were a silent group of people who were preyed on by criminals. After the crime was over, many suffered for years.

Finally, Congress came up with a novel idea, a law that established the Crime Victims Fund to support victims of crime. But instead of using taxpayer money for the fund, Congress had a different idea. Why not force the criminals, the traffickers, the abusers, and other folks to pay for restitution for the victims of crime. They inflicted pain and suffering on innocent people. They should be the ones to pay for that.

So in 1984, when President Ronald Reagan was President, he signed the Victims of Crime Act, otherwise known to us as VOCA. Because of this new law, convicted felons in Federal Court are assessed fees and fines and must pay into the Crime Victims Fund. The money in this fund is to be used for a wide range of victim services:

It establishes and takes care of domestic violence shelters, where spouses can hide from their abusers.

It establishes rape crisis coalition centers.

It promotes and sends money to victim advocates throughout the United States who go to court with victims of crime, especially violent crime.

It gives victims restitution and pays for critical medical and counseling programs.

It also goes to train police officers. It does a lot of good things and is wisely spent by the Angels of Compassion in victim services that help restore victims.

Over the years, because our Federal judges have continued to fine and assess greater penalties to criminals, the VOCA fund, as of today, holds approximately $12 billion. That is a lot of money, even for Washington, D.C. What a wonderful idea.

And let me make it clear once again: This is not taxpayer funded money. Criminals paid for this. Criminals are paying the rent on the courthouse and they are paying for the system that they have created.

So what is the problem?

Well, the problem is, Mr. Speaker, only a fraction of that money is spent each year for victims, depriving them of needed services and that money. More money continues to go in the fund every year because less and less of a percentage of it is spent, thus, the $12 billion.

Mr. Speaker, the fund, every year, is robbed, literally, by Congress to offset the costs of totally unrelated things, literally stealing money from the victims and sending that money to the abyss of the Federal Treasury to offset special pet projects. That money does not belong to Congress to spend on anything other than victims of crime. It belongs to the victims who have endured suffering and abuse.

Victims do not have a high-priced, high-dollar lobbyist to come up here to Washington and advocate on their behalf to get the money that they are entitled to. That is our responsibility, Congress' responsibility. They expect us to be their voice.

JIM COSTA from California and I are co-chairs of the Victims' Rights Caucus, and we believe the first responsibility of government is to protect the innocent, especially those robbed, pillaged, and sexually assaulted by crime.

Congress needs to quit stealing the money from victims and giving it to other projects. We must stop this robbing by bureaucrats, taking money out of the crime fund, so that we can ensure victims have access to the resources that they need to become survivors of crime.

To achieve this goal, Representative JIM COSTA and I have reintroduced the Crime Victims Fund Preservation Act. This bill creates a ''lockbox'' to ensure

that money in the fund cannot be used for anything other than victims' programs authorized under the law of the VOCA statute in 1984.

Victims must be rescued and taken care of. The bill ensures the money that victims are entitled to is in a safe place from pilfering hands. Give the victims a fighting chance, and do not continue to victimize them more by taking restitution money from them. It is just wrong to play this financial ledger mumbo-jumbo that Congress plays every year to take money away from victims and give it to other projects.

Don't touch victims' money. It is just wrong, Mr. Speaker.

And that is just the way it is.

## END HUNGER NOW

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

Mr. MCGOVERN. Mr. Speaker, a recent USDA report on ''Foods Typically Purchased by SNAP Households'' has sparked conversation in the press and on Capitol Hill about ways to promote healthy eating among those who rely on SNAP benefits. Quite frankly, I am troubled by the way the report has been characterized and by some of the responses.

Flashy headlines and convenient sound bites selectively highlighting findings that tell only half the story are damaging to what should be our shared goal of ensuring that our most vulnerable neighbors have the support they need for their families. In fact, one of the key findings in the report is that the spending habits by SNAP households and non-SNAP households are very similar.

I think it is safe to say that all of us could be making healthier choices when it comes to the food that we eat. But if we want to talk about promoting healthy eating among those who rely on SNAP, we need to start by enhancing and making further investments in nutrition education programs, increasing access to healthy foods in underserved communities, and expanding pilots that have proven effective in increasing fruit and vegetable consumption. Most importantly, Mr. Speaker, we need to increase SNAP benefits so low-income families have the ability to purchase healthier foods.

Last Congress, the House Agriculture Committee completed a thorough review of SNAP—17 hearings. As ranking member of the Nutrition Subcommittee, I participated in each of these hearings, and we heard time and time and time again that the current SNAP benefit, which averages $1.40 per person per meal, is inadequate. It is hard to buy a cup of coffee these days for $1.40.

This meager benefit is often too low for families to stave off hunger during the month, and certainly does not provide enough support to allow families to maintain healthy diets on a consistent basis. Without additional benefits, we know that people are making very difficult choices. They have to choose between food or medicine, between food for their families or stable housing.

Research from the Center on Budget and Policy Priorities has found that increasing SNAP benefits by a mere $30 per month would lower food insecurity, decrease fast-food consumption, and increase vegetable consumption.

Similarly, USDA's Healthy Incentives Pilot provided SNAP recipients in Hampden County, Massachusetts, with additional benefits if they purchased targeted fruits and vegetables, and it was highly successful. The result was an increase in healthy food consumption. Participants in this pilot consumed 26 percent more targeted fruits and vegetables per day and spent more of their SNAP benefits on these items than did nonparticipants.

We know that low-income families who rely on SNAP have to make difficult choices in trying to stretch their meal budgets and often select cheaper foods that contain refined grains and added sugars and fats. This research from the Center on Budget and the results of projects such as the one in Massachusetts confirm what we know to be true: providing additional resources for food to families living in poverty will enable them to make healthier choices for themselves and their families.

We should not be demonizing the poor by policing their shopping carts, Mr. Speaker. It is far too easy and has become far too commonplace for those of us with steady incomes and paychecks that provide us with access to the healthiest foods to second-guess the choices of these families struggling to make ends meet. It is insulting and it is mean-spirited and more than a little hypocritical to suggest that we meal plan for those living in poverty while we continue feeding our families the same foods that some of us suggest we should limit in our antihunger programs.

Eating more nutritious foods should be a goal for all of us, Mr. Speaker. It will lead to better health, reduced medical costs, more engaged kids who are able to learn better, and also more productive adults.

But if we are going to promote healthier eating and work to end hunger now, we must start by increasing the current SNAP benefits. And I would say to any of my colleagues who dealt this: You try living on a SNAP budget. You try living on $1.40 per person per meal. You will find it not only difficult to put food on the table, but especially challenging to make nutritious and healthy choices.

As we consider the next farm bill, let us enhance the SNAP benefit. It is the right thing to do.

## MUSLIM BAN

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

Mr. GARRETT. Mr. Speaker, in 1947, Senator Arthur Vandenberg famously stated that politics stop at the water's edge. What that meant was that partisan fighting and attacks should cease when they compromise America's role in missions abroad and, indeed, when they compromise the safety and security of Americans abroad as well.

Yesterday, Mr. Speaker, I sat in the Homeland Security Committee and heard over two dozen references from my esteemed colleagues across the aisle to a Muslim ban. When President Obama expanded its own screening for refugees for majority Muslim nations, he said it was because of ''the growing threat from foreign terrorist fighters,'' and nary a peep was heard.

Our colleagues across the aisle said this Muslim ban will endanger Americans and serve as a recruiting tool to ISIS. Mr. Speaker, I agree, except there is no Muslim ban.

Talk of a Muslim ban makes Americans less safe at home, true; it makes Americans less safe abroad, true; and if politics stop at the water's edge and there is no Muslim ban, then why use partisan politics to perpetrate falsehoods that do just those very things.

Let's look at the facts:

Of the 2.3 billion Muslims on the planet Earth, 11 percent live in the countries named in Mr. Trump's executive order. Nine-tenths of 1 percent live in Syria, a single nation pulled out for heightened scrutiny.

The duration of the heightened scrutiny held to the Syrian refugee population is one-half that of the same action taken by Mr. Trump's predecessor, President Obama, as it related to Iraqis in 2011 when nary a peep was heard because politics are supposed to stop at the water's edge.

We hear questions: Does the President have a constitutional right to do this? I say, no, he has a constitutional duty to do this.

We look at Article II and see the clear and present danger clause. We hear the language of the Obama administration speaking of growing terrorist threats from abroad. We see in Article II and in the oath that the President takes that it is his duty to protect Americans from all threats, all enemies, foreign and domestic.

So what we know is that the executive order affects a scant 7 of well over 50 majority-Muslim nations. There is no religious test because it also affects millions of Christians living in these nations. It affects about 11 percent of the global Muslim population. There are exceptions granted.

We know that ISIS is using the refugee system to infiltrate Western nations. We know that first- or second-generation radical Islamists have killed over 70 Americans since Boston and wounded over 300 on U.S. soil.

□ 1015

We know that, just over a month ago, a dozen innocent individuals at a Christmas market in Berlin were murdered and 50 more were injured by a refugee. We know that the fallacious concept of a Muslim ban inflames and enrages our enemies and serves as a recruiting tool.

So the question then becomes: Why do some Members of this esteemed body continue to perpetuate what is willful ignorance at best and a falsehood at worst? Why say there is a Muslim ban when there is not?

Mr. Speaker, if politics stop at the water's edge, then Members won't play loose with the facts to score political points. Members won't advance a false narrative that endangers Americans. Members will support this President, as they did the last President, as he seeks to discharge his duty to defend the United States, its citizens, and our Constitution against all enemies, foreign and domestic.

## TRUMP IMMIGRATION EXECUTIVE ORDER

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

Ms. BROWNLEY of California. Mr. Speaker, last Saturday, a U.S. Army interpreter, who risked his life serving our country for over a decade in Mosul and Baghdad, was stopped at the airport and detained for 18 hours. His name was Hameed Khalid Darweesh.

Why was he detained?

Because he came from a country that was singled out by President Trump because of the religion of its people. He did so not to increase safety, but to instill fear.

When people are afraid, they tend to let their President and their elected leaders do anything they think will protect them, and they ignore just about everything else.

When the American people are afraid, they might ignore a President's promise that he would ''drain the swamp.'' When they are afraid, they might forget that a President has treated Vladimir Putin better than he has treated the heads of state of our allies and trading partners. They might ignore his attacks on women, on minorities, on our environment, on our health care, on our civil rights, on our public education system; and they might even ignore investigations into his vast conflicts of interest.

They might be willing to overlook the very principles of our Constitution that, indeed, make us safe. One of these principles is freedom of religion, because our Founding Fathers knew that despots all over the world have used fear of another group's religion to do terrible, terrible things throughout the history of man. So when the President singles out who can come into this country and who cannot based on one's religion, he is insulting and turning his back on our Constitution—a Constitution that keeps us safe, a Constitution that, by its own example, helps to keep the world safe.

Let's be clear. When Mr. Trump bars a man like Hameed, an interpreter who helped protect our troops from coming into our country, because of his religion, he is not protecting us; he is endangering us and he is endangering the world. We cannot let it stand. We must resist.

## UPHOLDING OUR NATION'S VALUES OF A DEMOCRATIC GOVERNMENT

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

Mr. POCAN. Mr. Speaker, it is only day 13 into the Donald Trump administration and we are already faced with yet another round of questions about President Trump's potential conflicts of interest over his business holdings.

The most recent issue to raise questions is President Trump's Muslim ban executive order. At face value, this action looks like yet another harmful step in his divisive agenda. Trump's hateful scapegoating of refugees will make us less safe, and it goes against our country's moral fiber and small ''d'' democratic values. It is hard to believe that these seven countries were targeted based on a serious threat that was posed by their citizens who were traveling to the United States.

The people responsible for some of the most egregious attacks on American soil in recent decades, including 9/11, the Times Square bombing, the Boston Marathon bombing, the Pulse nightclub shooting, and others did not come from these seven countries. In fact, refugees from these countries already face a lengthy and rigorous vetting process led by our security intelligence agencies. This 20-step process involves multiple background checks, interviews, and screenings, and it frequently takes between 18 and 24 months for approval.

However, these seven countries do have at least one thing in common. According to Bloomberg News, The Trump Organization does not have business or has not pursued business deals in any of them. President Trump does, on the other hand, have business ties to other countries in the region that were excluded from the ban. His FEC filings indicate The Trump Organization has development projects in Saudi Arabia and business projects possibly related to Egypt. These countries were excluded from the executive order despite their being home to many of the terrorists who carried out 9/11. In Turkey, President Trump has a licensing deal for two luxury towers to use his name—a deal he received up to $5 million for just last year. He also has licensing agreements with businesses in other countries in the region.

I am not saying that we should ban people from these countries. I firmly oppose any ban that is based on nationality or religion, but it is unacceptable that business interests have played potentially a role in such a destructive policy that also makes our country less safe in the long run. This move will likely damage relationships with our Muslim allies who are fighting ISIS militants, and be used as a tool by the Islamic State to increase their recruitment and radicalization efforts.

Of course, my friends in the majority and in the White House claim that the seven countries under this order were similarly targeted by our previous administration. In reality, President Trump's discriminatory ban is drastically different than President Obama's specific changes to the State Department Visa Waiver Program, in which the changes focused on expedited visa privileges for dual nationals and did not target all citizens from specific countries; but I will bet you didn't hear Sean Spicer make that distinction. Instead, the administration is busy downplaying the number of people who were impacted by this decision and is claiming that only 109 people were affected—aka alternative facts. At least 700 people were denied boarding after the order was issued, and 90,000 people in these countries already have visas but will not be able to travel to the United States.

It is time for the President to stop defending his divisive and unconstitutional executive order and start being transparent about his business interests. Every President who has been elected in the modern era has released his tax records to ensure the American people that his actions will not be impacted by financial holdings. After promising throughout the campaign to release his tax returns, President Trump's advisers recently announced that he will indefinitely hide this information from the public. These holdings potentially put President Trump in direct violation of the Emoluments Clause of the Constitution on day one.

The safeguard is designed to prevent corruption and foreign influence over policy decisions by not allowing Federal officials to take money from a foreign entity without there being congressional approval; but we have seen report after report of foreign leaders and diplomats choosing to stay at the Trump International Hotel in Washington, D.C., in order to gain favor with the administration. They stand to profit from foreign governments, including a big paycheck from a Chinese bank, which is a large tenant at the Trump Tower. These are just tip-of-the-iceberg examples of direct conflicts in both domestic and foreign policy under this President.

Mr. President, it is time for you to fix this. One, divest your business holdings immediately to remove any suggestion of there being a conflict in your decisionmaking. Two, show us your tax returns so that your business and financial interests are transparent to the American people. Three, get rid

of your unconstitutional executive order, which will make us less safe and only serve to embolden our enemies.

Short of that, we will have to take other actions, including legislative directives, resolutions of disapproval, even exploring the power of impeachment.

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

## ACTING ON AMERICA'S INFRASTRUCTURE PLAN

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

Mr. DEFAZIO. Mr. Speaker, last week, President Trump traveled to Philadelphia to address the Republican Conference. He talked about his pledge to spend $1 trillion on our crumbling infrastructure, and he expressed frustration that it is not part of the first 100 days' agenda of the Republican leadership. I share that frustration. It is never on the agenda for the Republican leadership to invest in American infrastructure.

We did manage to pass a bill through the last Congress—the FAST Act—that was a decent continuation of our investments, but it lacked funding dramatically, and at the end of 5 years, our infrastructure will be in worse condition. So I share the President's frustration.

He also said, ''fix it first.'' Last week, I talked about harbors. It is easy to take care of the harbor issue. All you have to do is spend the tax for the purpose for which it has been collected, but the Republicans don't want to do that.

Today I am going to talk a little bit about rail—in particular, the Northeast Corridor. We had a report by Amtrak that assessed the needs on this corridor, which is shared by freight and rail and carries a phenomenal number of people and goods every day. Over 2,200 Amtrak commuter and freight trains work some portion of this route every day. However, it is in a state of serious disrepair.

One of the most critical areas is in Baltimore, the Baltimore and Potomac Tunnel. It was an investment made by the Government of the United States of America. It began during the Civil War and finished just after. It has held up. That is a pretty amazing amount of time, but it is at the point of failure now, and if that tunnel fails, it will choke off all of the movement of goods and people from Washington, D.C.—points south—to the northeast. It is a major economic engine—a hugely populated area of the United States of America.

The tunnel fix has gone through an environmental impact statement; so they can't drag out with, ''Oh, it is those darned regulations and environmental restrictions. We can't get it done.'' No. We can get it done. We have got a plan. We have got an engineering design. All we need is the money—the investment—by the Government of the United States. Now, we have a Speaker who says, ''Oh, if it is worth doing, the private sector will do it.'' No. This is an asset which serves both private and public interests, and it needs a Federal investment. That is $4 billion.

If you go all the way up to Boston, you are looking at over $30 billion: bridges—critical bridges—that are 100, 110, 120, 130 years old and that are falling apart. It is time for some action here.

If we go a little further north, up to New York, we have the Hudson River tunnel, which is another engineering miracle. The Hudson River tunnel was completed in, oh, 1909. Then, of course, even though that has held up pretty well, it was flooded during Hurricane Sandy, and the salts that got in there are accelerating the erosion of that tunnel, and it is near the point of failure; so we would no longer be connected to New York City through the Hudson River tunnel. There are 200,000 passengers who use that every day. That would be a blow not only to the New York and regional economy, but to the national economy should that tunnel fail.

Other countries are making these investments. I was in Japan last year. They have a rail system that they built 40 years ago. It has run on time for 40 years. It has had no accidents for 40 years, and it travels at about 200 miles an hour. We, the great United States of America, can sometimes get trains up to 20, 30 miles an hour—at critical sections of this rail infrastructure—but we do not have time for that. First, we have to repeal the Affordable Care Act. Then we have to cut taxes for the wealthiest among us, and maybe they will build the tunnels and bridges and name them after themselves. I don't think so. They will be buying more super yachts and expensive places to go on vacation.

It is past time for this Congress to act in making critical investments in America's infrastructure. Yesterday, I unveiled a clock which tracks the cost of delays and congestion to the economy and to the people of the United States on a daily basis because of deteriorated infrastructure. The clock is ticking. It is time to stop that clock and rebuild our country.

□ 1030

## DANTE SAWYER GOODBYE

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

Ms. KELLY of Illinois. Mr. Speaker, I rise today to thank a long-time staff member in my office, Dante Sawyer, who, after nearly 4 years of service to the families of the Second Congressional District, is moving on to new opportunities to work in the office of Cook County State's Attorney Kim Foxx.

It will be a tall task replacing Dante in my office, but I am comforted and take pride in the fact that Dante will make a huge difference in a new capacity.

When I first came to Congress and was deciding who I wanted to represent me in the field; who I wanted to serve the families I care so much about; and who had the compassion, presence, and leadership abilities to make a difference back in Chicago, I knew that Dante was the difference maker that I needed.

Dante has a million dollar mind and an irreplaceable heart. He is the pulse of the people with a gift for public service.

It is no secret that the Chicagoland area has been rocked by gun violence and economically distressing circumstances. And there is much that needs to be done for the families of Chicago. It is sad that January of 2017 has started off with just as many shootings as January of 2016—and 2016 was the most violent year for Chicago with nearly 700 gun deaths last year.

But Dante holds the belief that I do, that nothing stops a bullet like an opportunity. And each year, he has been a lead staffer on my team in coordinating a youth job and resource expo in the Second Congressional District.

Through this work, Dante has helped me leave a mark in offering economic opportunity, mentorship, and job readiness training to thousands of Chicagoland youth, helping to ensure the success of the next generation.

He will be gone from my office, but his service continues. Congratulations, Dante, and continued success to his wonderful wife and his brilliant daughters, Jordan and Payton.

I am honored to have the privilege to have worked with you. And on behalf of the families of the Second Congressional District, thank you so much for a job well done.

### CHICAGO GUN VIOLENCE

Ms. KELLY of Illinois. Mr. Speaker, last month, as I mentioned, Chicago suffered just as many gun shootings as the year before, and 2016 was a record-setting month itself.

I have come to the floor countless times to draw attention to this epidemic. Last week, President Trump threatened to send in the Feds in response to the carnage. It was very disheartening to hear and see on the news that my colleagues made jokes at their Republican retreat last week about this.

This morning, he spoke at the National Prayer Breakfast. In that vein, I remind him of the Gospel of Matthew: violence begets violence; hate begets hate.

The proper response is not threat of more force, increased demonization, or further withering of police-community relations.

More cops on the beat alone is not the solution. It is mentorship, job training, and increased economic development.

Nothing stops a bullet like an opportunity. I keep an open invitation to President Trump to visit my district so he can learn this himself and speak to those in the trenches, and those victimized by gun violence, instead of just demonizing in 140 characters from the safety of the White House residence.

REAFFIRM INTERNATIONAL ALLIANCES

Ms. KELLY of Illinois. Our international alliances are vital to U.S. security. Allies like Australia have never failed to answer the U.S.'s call for help. For decades, Australia and the U.S. have cooperated on everything from military and intelligence to diplomacy and trade.

Yet, now, as we face increasing tensions in the Asia Pacific, President Trump seems determined to promote instability and uncertainty.

To assist with the rebalance to Asia, the United States has 2,500 marines stationed in Darwin. This forward posture allows the U.S. greater operational flexibility and military integration with Australia.

I encourage President Trump to coordinate more closely with the State Department so he can fully understand the delicate balance of international affairs.

Historical tensions between countries like Taiwan and China, and India and Pakistan require particular attention to historical precedents and agreements.

The U.S. will gain nothing by projecting uncertainty or hostility toward our allies. They have sent their sons and daughters off to war on our behalf and formed bonds on the battlefield that will never be forgotten.

I urge my colleagues to reaffirm our international alliances and reject efforts by the administration to undermine decades of peace and security.

## HONORING DR. CAROL MITCHELL

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

Mr. BACON. Mr. Speaker, I rise this morning to commemorate African American History Month by honoring one of the exceptional Americans who resides in our district in Omaha.

Dr. Carol Mitchell's career of public service and her dedication to education has made her a true hero and an inspiration to us all.

Dr. Mitchell was born and raised in, what was at the time, a segregated Port Arthur, Texas. Her identical twin sister, Bishop Sarah Davis, graduated as covaledictorians from Lincoln High School in Port Arthur. After graduation, she attended North Texas State University in Denton. North Texas State University afforded Dr. Mitchell her first educational experience with an integrated school.

During this time, Carol had the fortune of studying chemistry and geology at Morris Brown College and at Emory University through summer education programs.

Dr. Mitchell and her sister, who also attended North Texas State University, were the first African Americans initiated into the North Texas Green Jackets, a student community service organization further cultivating Dr. Mitchell's love for public service and education.

In 1970, after graduating from North Texas State University with a bachelor of science in secondary education, Dr. Mitchell married her husband, Glenn Mitchell, and moved to Omaha, Nebraska. In Omaha, she continued her work in public service, teaching science and chemistry for 15 years at Omaha Burke High School, culminating as the supervisor of all science education for the entire Omaha public school system.

In 1991, Dr. Mitchell took an instructor position at the University of Nebraska Omaha, and for the next 22 years, Dr. Mitchell educated future science teachers in the college of education. It was during this time that Dr. Mitchell earned her doctoral degree from the University of Nebraska-Lincoln.

Dr. Mitchell's public service went far beyond just the Omaha and Midwestern region, to include work and study abroad. Among her many postdoctoral accomplishments, she twice had the honor of working at Oxford University in England and through her service with the African Methodist Episcopal Church, and she conducted Summer Science Institute courses in chemistry and biology for students and teachers and countries across Southern Africa.

Since 1991, she has received 21 awards, including the STEM Legacy Award from the Empowerment Network earlier this year, and the UNO Alumni Excellence in Teaching Award in 2009.

Dr. Mitchell has led a vibrant and inspiring life of public service in education and has worked to enrich the lives of all of her students and coworkers through her love of science and education.

Her many accolades and awards throughout her life as a student, educator, and public servant attest to the legacy she has left.

Though starting life with the challenges of a segregated community, she has persevered to obtain the epitome of success and enhance our communities and Nation. Undoubtedly, Dr. Mitchell has had a lifetime of influence, and her legacy will endure for many generations to come.

## IMPORTANCE OF ANIMAL WELFARE IN OUR COMMUNITIES

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

Mr. BLUMENAUER. Mr. Speaker, today we are starting efforts to reformulate the Animal Protection Caucus here for this Congress. I have been pleased for several years to serve as the co-chair. Last Congress, it was with our friend Congressman MIKE FITZPATRICK from Pennsylvania—a bipartisan effort involving over 130 men and women in Congress who are dedicated to efforts of animal protection.

The welfare of animals says a lot about us. Animal abuse is often a precursor to domestic violence. We find that the health and welfare of animals in our communities speak to the environmental protections. We find that people who are able to deal meaningfully with animal welfare have a chance, in many cases, to have benefits that go far beyond what you would imagine.

Animals have a capacity to have a calming influence on people. We see this as volunteers bring pet rabbits to nursing homes to be able to deal with people. Animals have a way of reducing people's blood pressure. It is a great symbiotic relationship.

Here in Congress, we have a wide variety of areas that we can work on together to advance animal protections. We have strengthened laws against animal fighting. We have raised awareness about the barbaric practice of horse soring injuring them to produce the distinctive gait. We promote humane treatment of animals in agricultural research, to be able to reduce the harmful effects on animals in production of cosmetics.

We have bipartisan legislation that would allow people to have their animals at domestic violence shelters, or for emergency services.

One of the things that was most jarring for me, illustrated by what happened with Katrina—2005 hurricane in New Orleans—that there were times where people would not abandon their home because they were afraid of what would happen to their puppy.

We have seen women who are in a situation of domestic violence refuse to leave their abuser because they are afraid of what is going to happen to their kitten that would be left behind.

I am pleased that, in this Congress, the Republican co-chair is going to be my friend Congressman VERN BUCHANAN from Florida. VERN brings to this issue personal passion, energy, and new ideas. And I am quite confident we will continue the efforts with the caucus to be able to promote animal welfare, promote understanding on Capitol Hill.

We have had, on a monthly basis, bipartisan briefings of legislation with Republican and Democratic cosponsors that garner broad support. And I am hopeful together that this can be, in a time when there is more than a little contention and controversy—that this is an area that we can come together to work on, on Capitol Hill.

We are supported by organizations like the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, Born Free, The Humane Society; representative of the over 25,000 organizations across the country that are dedicated to animal protection.

I am hopeful that each of my colleagues will join us in this bipartisan effort, focus on simple commonsense things that we can do that bring us together to promote animal welfare, to be able to make all of God's creatures better off, and in so doing, reinforce our humanity.

## AMERICAN HEART ASSOCIATION—GO RED FOR WOMEN CAMPAIGN

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

Mrs. BEATTY. Mr. Speaker, today I rise to support American Heart Association's Go Red for Women campaign.

The Go Red for Women campaign is an incredible public awareness initiative, spearheaded by the American Heart Association to promote heart-healthy lifestyles.

We have great results. Since Go Red for Women started in 2004, more than 627,000 women's lives have been saved, and I am so proud that I was an initiator and supporter of Go Red for Women in my great State of Ohio in the capital city of Columbus.

Yes, we have made great progress, Mr. Speaker, but we still have a long way to go in helping to prevent cardiovascular disease, including stroke.

Cardiovascular diseases claim more lives each year than all forms of cancer combined, and it is just not women, Mr. Speaker. That includes men, also. However, women do have a higher risk of stroke than their male counterparts.

In fact, 90 percent of all women have one or more risk factors for developing heart disease. Collectively, cardiovascular disease and stroke cause one in three women's death each year, killing approximately one woman every minute.

□ 1045

Yet, even with these eye-catching statistics, according to the American Heart Association, almost half of all the women, Mr. Speaker, are not aware of heart disease, and that it is the leading cause of death for women.

For African American women like me, the risk of heart disease is far greater. Cardiovascular disease is the leading cause of death for African American women, killing almost 50,000 annually. Of African American women ages 20 and older, 49 percent have heart disease, but only 1 in 5 African American women believe they are personally at risk.

Mr. Speaker, I was one of them. I suffered a cerebral brain stem stroke in 1999. But after my personal experience, I decided to do something about it. I decided to get more engaged, and I am so proud to say that I was appointed to serve on the American Heart Association Board, and at that time, I was the only non-healthcare professional or cardiovascular physician on the board.

That is why, Mr. Speaker, when I came to Congress, I decided that I would be engaged, and I became the co-chair of the Congressional Heart and Stroke Coalition, where my colleagues and I work very hard to raise the awareness about the prevalence and the severity of cardiovascular disease.

Last Congress, Mr. Speaker, I introduced the Return to Work Awareness Act, which would assist survivors of stroke and other debilitating health occurrences to be able to return to work.

Mr. Speaker, I will always be an active participant in education and awareness. I will reintroduce that important piece of legislation this month, during American Heart Month, and I invite all my colleagues, Democrat and Republican, to join me in sponsoring this piece of legislation.

This month, as we celebrate American Heart Month, let us recommit ourselves to becoming more educated about cardiovascular diseases, improving our heart health, and continuing to fight against this devastating disease.

Today, Mr. Speaker, I want the Nation to know that women will stand on the Capitol steps, and we will have our photo taken, all dressed in red, because we want to stand united to help educate this Nation, that if we stand together, maybe, just maybe, we can send a strong signal to America that we can fight against this disease.

I want to personally thank Nancy Brown for allowing me to serve with her on the Board, and welcome the new CEO, Steven Houser, and so many of the volunteers across this Nation and the leaders because we know, Mr. Speaker, that we need to recognize all Americans who are battling heart disease and express gratitude to all of them.

## 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 48 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

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

We give You thanks, O God, for giving us another day.

There have been many prayers this day rising to You from those engaged in the political discourse of this Nation. We give You thanks for those who were able to gather at the National Prayer Breakfast and those across this land who joined their prayer intentions with the many who attended.

Bless the Members of this people's House now as they gather to do the legislative work they are called to do. May their prayers this day be authentic and heard by You, the living God.

May their work be fruitful and beneficial to those whom You favor, the poor. And may all they do be done in humility and charity, knowing that we are all earthen vessels through whom Your Spirit might shine forth.

And, finally, may all that is done this day be for Your greater honor and glory.

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 gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

## ANNOUNCEMENT BY THE SPEAKER

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

## RECOGNIZING NATIONAL CATHOLIC SCHOOLS WEEK

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

Ms. ROS-LEHTINEN. Mr. Speaker, as our Nation celebrates National Catholic Schools Week, I rise to recognize the lasting contributions of Catholic education in my south Florida community.

Carrollton School of the Sacred Heart, Our Lady of Lourdes Academy, and Immaculata-LaSalle High School are just a few of the many Catholic institutions serving my district. These schools do more than just provide their students with an excellent education, Mr. Speaker. Each one of them is also dedicated to instilling a religious grounding and moral values in our students so that they can dedicate their lives to serve our God, their families, and our community.

Congratulations to the teachers, administrators, and staff at our fantastic Catholic schools. Thank you for your dedication to building a brighter future for all of south Florida.

## FUNDING LEGAL SERVICES IN PROTECTION FROM EXECUTIVE ORDERS

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

Mr. CORREA. Mr. Speaker, today I am introducing the DREAMers, Immigrants, Refugees—or DIRe—Legal Aid Act. This bill will fund legal services to protect them from the recent executive orders.

In my district last week, I held an immigration town hall. The place was packed with people who were afraid for their neighbors and afraid for our communities, and this was before the executive order was released. When I was at LAX this past Saturday evening, I saw the fear escalate. President Trump's executive orders directly challenge the due process rights that are guaranteed to all of us under the Constitution.

My legislation will help DREAMers, immigrants, and refugees have access to legal representation. Refugees are already vetted by the State Department, and the State Department does a very good job. If we want to do extreme vetting, let's do it right, and let's do it legally.

If we wish to remain a beacon of freedom to the world, we must stand up for immigrants and refugees who look to America as a place of hope. We can't just claim we are the greatest Nation in the world—we have to be the greatest Nation in the world.

## MICHIGAN ON THE FOREFRONT OF AUTOMOTIVE AND TECHNOLOGICAL INNOVATION

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

Mr. WALBERG. Mr. Speaker, I rise to highlight an exciting, new development that builds on Michigan's leadership in the auto industry.

Earlier this week, General Motors and Honda announced a joint venture to produce an advanced hydrogen fuel cell system. With an investment of $85 million, this operation will bring new, good-paying jobs, and it will be based at a manufacturing facility in southeast Michigan. This is just the latest example of how Michigan continues to be on the forefront of automotive and technological innovation that has the potential to revolutionize the industry.

Mr. Speaker, that is not all. A few weeks ago, GM also announced a plan to invest an additional $1 billion in United States manufacturing, which will create thousands of jobs for American workers.

With our State's world-class workforce and commitment to cutting-edge research, Michigan will remain a global automotive leader for generations to come.

## SLEEP APNEA IN THE RAILROAD INDUSTRY

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

Mr. SIRES. Mr. Speaker, I rise to recognize the grave consequences that undetected obstructive sleep apnea has on safety in the railroad industry.

Obstructive sleep apnea is caused by the obstruction of the airway during sleep. Untreated sleep apnea can cause unintended sleep episodes that may result in attention deficits and in a loss of situational awareness. It is a serious safety concern in railroading and has been a factor in numerous crashes:

The September New Jersey Transit crash in Hoboken, New Jersey, was operated by an engineer with undiagnosed sleep apnea;

In April 2011, a BNSF coal train collided with a standing train in Iowa that resulted in the deaths of two crew members. Medical records showed that both crew members had multiple risk factors for sleep apnea;

In December 2013, a Metro-North Railroad passenger train derailed, killing four passengers and injuring 60. The engineer feel asleep due to undiagnosed sleep apnea.

I am pleased that the Federal Railroad Administration finally released a safety advisory that calls for railroads to screen train operators for sleep apnea, and I hope it is instituted quickly.

## REMEMBERING DESSEY L. KUHLKE

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

Mr. ALLEN. Mr. Speaker, last week, the Augusta community mourned the loss of a legend in the business community—Dessey Landrum Kuhlke.

Dessey was the most caring and selfless leader I had ever known. As a longtime resident of the area, Dessey graduated from Georgia Southern University and served in the United States Army from 1959 to 1965.

I was fortunate enough to work for him and with him during my 35-year career in construction and the development industry. I had the opportunity to serve alongside him in the Augusta Exchange Club and sit in front of him on Sundays at Trinity on the Hill United Methodist Church.

Dessey was a husband, a father, a grandfather, a friend, and a mentor to many in our community. He and his wife, Barbara, lost two of their children at a young age, and Dessey was the rock that held that family together.

Mr. Speaker, I have recently lost two of my heroes: Arnold Palmer in September and Dessey Kuhlke last week. But through the loss, I can't help but smile when I think about the possibility of those two getting together with family in Heaven and playing a round of golf. Augusta is a better place because of Dessey Kuhlke. We will remember him often.

## 100TH ANNIVERSARY OF BUFFALO'S HISTORIC COLORED MUSICIANS CLUB

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

Mr. HIGGINS of New York. Mr. Speaker, as the Nation recognizes Black History Month, I rise to pay tribute to a special history in my western New York community.

This Friday marks the 100th anniversary of the opening of Buffalo's historic Colored Musicians Club. The club's origin stretches back to 1917 when a group of African American musicians sought to create its own safe haven in a then-segregated community. They banded together, organized, and started Local 533 of the American Federation of Musicians.

Some of the world's most prolific jazz musicians have performed at the club. The likes of Billie Holiday, Duke Ellington, and Ella Fitzgerald all impressed crowds in the building near the corner of Broadway and Michigan. Through the years, the Colored Musicians Club has become an important community and cultural center, featuring a museum to educate new generations of the club's key role in Buffalo and our country's history.

As this landmark celebrates a century of work, we support its continued success and celebrate the example it sets in advancing the coming together of community and culture.

## HONORING FORMER REPRESENTATIVE TOM BARLOW

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

Mr. COMER. Mr. Speaker, I rise to honor the life and legacy of Thomas Jefferson Barlow, III—a former Member of this honorable body—who passed away on Tuesday, January 31, at the age of 76.

Mr. Barlow, a Democrat, represented the citizens of Kentucky's First Congressional District from January 3, 1993, until January 3, 1995. Mr. Barlow was a tremendous public servant who had a positive impact on thousands of people. He was dedicated to making lives better, but he never sought fame or glory. He got satisfaction in having his voice heard and in influencing public policy.

He was born in Washington, D.C., but his family roots ran deep in Ballard County, Kentucky, where his ancestor and namesake, Thomas Jefferson Barlow, was an original settler in the town of Barlow. He grew up in Chevy Chase, Maryland, and graduated from Sidwell Friends School in Washington, D.C.

In his political career and private life, he worked tirelessly to help the

less fortunate, to create jobs, to improve the environment, and to improve education. His professional career included work in State government and as a business executive.

Although he lost his reelection bid in 1994, he was not discouraged and continued to make his voice heard by running for additional races for the House and the U.S. Senate. In fact, he used the same vehicle in all of his campaigns, and its odometer topped 400,000 miles when it finally wore out after 13 years. He was always outspoken and stood up for what he felt was right even if it was in opposition to his own political party's views.

He lived with his wife of 28 years, Shirley Pippin Barlow, in Paducah, Kentucky, where he was a former director of the River City Mission, which helped homeless people get on their feet, and the Lone Oak Kiwanis Club. He was also an active member of the Grace United Methodist Church in La Center, Kentucky.

I ask my colleagues to join me in sending condolences to the Barlow family.

## REFUGEE BAN

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

Ms. ADAMS. Mr. Speaker, 2015: ''Calls to ban Muslims from entering the U.S. are offensive and unconstitutional.''—Governor MIKE PENCE.

2016: ''A religious test for entering our country is not reflective of our fundamental values. I reject it.''—Speaker PAUL RYAN.

2017: Acceptance from both PENCE and RYAN.

What has changed?

This unconstitutional executive order and its hasty implementation has created chaos and confusion at our Nation's airports. With the stroke of a pen, President Trump negligently and shamefully turned his back on thousands of desperate men, women, and children who were fleeing war zones. Green card holders and visa card holders who have been denied entry and detained for hours have dominated our news.

This is not who we are.

This ban will make America safer. That is an alternative fact. This ban emboldens our enemies, serves as a recruitment tool for terrorists, and puts our servicemembers in the Middle East in greater danger. That is fact.

I urge my Republican colleagues to speak out just like they did in 2015 and 2016. We can't afford your silence.

## RECOGNIZING NATIONAL CATHOLIC SCHOOLS WEEK

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

Mr. LAHOOD. Mr. Speaker, I rise to commemorate National Catholic Schools Week.

America's Catholic schools educate over 2 million students from diverse backgrounds each year, effectively preparing them for a brighter future and instilling in them faith-filled values. Data show that Catholic schools are often the highest-performing educational institutions in our communities. In fact, 99 percent of students from Catholic schools graduate from high school.

This week, I applaud Catholic schools for making a difference with students throughout our country; I applaud the educators who invest in their students' academic and spiritual formation; and I applaud the 28 Catholic grade schools and high schools that faithfully work in the 18th Congressional District of Illinois.

Today I am a cosponsor of a resolution that expresses congressional support of Catholic schools for their invaluable contributions to students and families across America. It is with deep gratitude that I recognize those Catholic educators who are shaping the next generation.

□ 1215

## PROVIDING FOR CONSIDERATION OF H.J. RES. 36, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A FINAL RULE OF THE BUREAU OF LAND MANAGEMENT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 74 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 74

*Resolved,* That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 36) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to ''Waste Prevention, Production Subject to Royalties, and Resource Conservation''. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any 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 Natural Resources; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any 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 Oversight and Government Reform; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). The gentleman from Oklahoma is recognized for 1 hour.

Mr. COLE. 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. COLE. 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 Oklahoma?

There was no objection.

Mr. COLE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule for consideration of two important measures, which would overturn two significant onerous regulations finalized in the waning days of the Obama administration.

First, the resolution provides for the consideration of H.J. Res. 36, providing for congressional disapproval of the so-called BLM methane rule. The rule provides for 1 hour of debate, equally divided and controlled by the chair and the ranking member of the Natural Resources Committee and provides for a motion to recommit.

In addition, the resolution provides for consideration of H.J. Res. 37, providing for congressional disapproval of the so-called blacklisting rule. The rule provides 1 hour of debate, equally divided and controlled by the chair and ranking member of the Oversight and Government Reform Committee and provides for a motion to recommit.

Mr. Speaker, burdensome regulations are crippling our businesses. The Obama administration finalized 38 major rules between election day and inauguration day. It is estimated those rules will cost our economy $41.2 billion. Sadly, this was just par for the course with the previous administration. In 2016, the Obama administration finalized over 400 regulations at a cost of over $160 billion to the economy. Over the entire Obama Presidency, over 3,000 regulations, at a cost of $873.6 billion, were finalized.

I am heartened by President Trump's regulatory freeze, which has been estimated to save over $180 billion in regulatory costs, followed by his executive order which aims to revoke two regulations for every new regulation put forward.

Specifically, H.J. Res. 36 overturns the BLM methane rule. The rule is a significant regulatory overreach by the Bureau of Land Management. Under the Clean Air Act, the Environmental Protection Agency has the authority to regulate methane emissions, which it currently does. Instead, the BLM has decided to also assert authority over methane in a way that is both duplicative and unnecessary, yet has significant negative impact on jobs, energy production, and Federal, State, and local revenues.

Mr. Speaker, this is a regulation in search of a problem. According to a 2015 EPA study, methane emissions from both natural gas systems and crude oil production have fallen by significant margin, even while oil and natural gas production have exploded. The BLM flaring rule is both costly and unnecessary.

The second rule considered by this resolution is similarly a solution in search of a problem. For decades, the Federal Government has had a suspension and debarment process in place to deny Federal contracts to bad actors who violate basic worker protections. However, President Obama signed an executive order directing various agencies to add another layer of bureaucracy onto the Federal procurement system. Prior to awarding a contract, each agency's contracting officer and a newly created labor compliance adviser will be required to review both violations and alleged violations to determine whether an employer should be awarded a Federal contract. Even the courts have agreed this is overreach. In October of 2016, a Federal district judge blocked enforcement of these rules, citing concerns with the violation of due process rights and executive overreach.

For these reasons, Mr. Speaker, it is critical that we prevent implementation of these rules which are unnecessary and add even more regulatory burdens to our struggling businesses and anemic economy.

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

I reserve the balance of my time.

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

I rise today in opposition to this rule and the underlying resolutions.

The resolutions that this rule provides consideration for threaten our air and don't protect the American people. My colleagues on the other side of the aisle claim that somehow repealing these rules will create jobs. It will actually destroy jobs, jobs that are associated with recapturing methane.

This is what a methane flare looks like. I drive by them in Colorado, and the potential for capturing, rather than flaring that methane, is important for the quality of our air and to reduce our emissions.

The House majority has made it their priority to instill fear and uncertainty in hardworking American families. People, who come here legally on visas who have lived here for many years, even small businesses, rather than focusing on jobs or having constructive conversations about immigration, are worried about their employees and, in some cases, even their owners being deported or not allowed back after conducting business overseas.

Republicans apparently would rather help shield large corporations from transparency, eliminate regulations that protect families from water and air pollution, and require companies to follow wage rules.

To add to this uncertainty and fear, President Trump has signed an executive order already that bans refugees and citizens from predominantly Muslim countries. Well, America is a nation of immigrants—those who fled political and religious persecution, violence in their home countries, and those seeking to build a family in a country that values freedom and upholds civil rights.

Our new President has decided that the best use of taxpayer money is to build a wall on our southern border. Our President has used his first 2 weeks in office to generate fear and uncertainty among vulnerable households who may lose their health insurance rather than create jobs and improve our economy. The new President has even limited the ability of the Environmental Protection Agency to communicate with the public about things like methane flaring.

The two Congressional Review Act resolutions we are discussing today—like the previous ones that, I should point out, do not follow regular order—they didn't receive any hearings in this Congress. They were a closed rule with no amendments allowed. I offered two amendments to the methane rule amendment. Neither were allowed to even be debated on this floor of this House, no less adopted.

I would like to quote from Speaker RYAN when he took the gavel in October of 2015. He said: ''We need to let every member contribute—not once they have earned their stripes, but right now.'' In a further quote, Speaker RYAN said: ''The committees should retake the lead in drafting all major legislation. If you know the issue, you should write the bill. Open up the process.''

''In other words, we need to return to regular order.''

Yet, here we are again with two CRAs that did not come through regular order, did not have a hearing with no opportunity for Members on either side of the aisle, Democrats or Republicans, with good ideas to make these pieces of legislation any better. Apparently, Speaker RYAN's commitment doesn't apply to CRAs or issues that keep our air and water clean or protect workers.

I would like to ask that Speaker RYAN explain to his colleagues how he is sticking to his commitment of regular order and to clarify what that means.

Not one amendment was allowed to be heard on the floor on either of these bills. This is a closed rule, including two of mine.

First, let's talk about the methane waste rule. It is very important to my constituents where fracking has worsened the quality of the air and upset neighborhoods across my district in Colorado.

□ 1230

The first amendment offered in the Rules Committee was to the methane waste rule, and it would have added Bureau of Land Management scientific findings. It would offer transparency and truth to this Congressional Review Act, providing facts about methane, methane waste, and why it is necessary for this rule to be moved forward. Without this rule, we would be seeing a lot more of this in areas like my district and my State.

In the last few weeks, a war on science has been begun by this administration. If we support facts, then we should let facts speak for themselves and be as objective as possible. We should have allowed that amendment which would have listed the scientific truths around methane and this rule.

Scientific facts are clear. The current rule would supply energy for up to 740,000 more households per year. Rather than burn that methane into the atmosphere, we can actually provide energy for 740,000 more households; and that methane is 25 times more dangerous and potent as carbon dioxide for worsening the impact of global warming.

Even if you want to ignore the energy impact of helping more Americans have power or the climate impacts of increasing climate change, if we look at this rule from a jobs perspective, this CRA would destroy American jobs.

I would like to explain how this methane waste CRA rule will affect the jobs of thousands of employees of the more than 70 companies headquartered in the U.S. that provide services and equipment to identify and capture natural gas and methane leaking from pipelines, processing equipment, and wells, including many in my home State of Colorado. This rule directly threatens the livelihood of many businesses and employees in my home State.

If, for some strange reason, the job creation argument isn't enough for you, how about the hundreds of millions of dollars American taxpayers would collect over the next decade from additional royalties?

Oil and gas companies are required to pay for the methane they collect and sell from public lands, and the more that is captured rather than burned off, the better not only for the companies and the employees, but also for taxpayers as we try to reduce our budget deficit.

An estimated $140 million in royalties over the next decade would be lost if this CRA moves forward. That is $140 million more in deficit spending that this rule signifies if it were to pass, and

that is why it is opposed by Taxpayers for Common Sense and most other fiscally conservative groups.

Again, if job creation, science, and taxpayer savings aren't enough, how about the cancer-causing impacts, carcinogenic effects, of oil and gas drilling?

Stacy Lambright lives in Thornton, Colorado, near my district with her husband, Eric, and her two kids, Jack and Molly. Stacy became a community activist and a member of Moms Clean Air Force after she found out her neighborhood park frequented by children and families was directly next to a leaking oil and gas fracking well.

Stacy and her family have been living in the neighborhood for over 14 years, and they have started to experience health concerns after oil and gas drillers moved in. Since 2015, Stacy's been documenting an unusual amount of nosebleeds in her family. Just as recently as Monday, her daughter had a nosebleed, while her son had six nosebleeds last month, something they never had before. And Stacy's husband's asthma has significantly increased.

They have lived in the neighborhood for 14 years and only recently, since the drilling occurred, have they had these health impacts. There have been no changes in their home or surrounding neighborhood other than the increased amount of fracking and oil and gas wells and leaks, documented leaks, to existing wells.

This methane rule further threatens the health of constituents as we gather additional data, and that is why Stacy is advocating for stronger legislation and better management practices, not worse management practices, with regard to existing oil and gas wells.

The safety and health of Stacy's family should be a top priority for Congress, but it appears, instead, the Republicans' top priority in this resolution is bringing us back to a time when our water is polluted, our skies are smoggy, and health issues from dirty air are a burden for families.

I know it has been argued—we probably will again—that oil and gas companies are fixing and capping leaks on their own, but that is false. There is a massive amount of gas leaked every day, and these companies have not reduced methane emissions from the field one bit. Again, absent this rule, we will see more of this kind of activity, not less.

Another argument is that infrastructure, like pipelines, is important to prevent methane flaring. And of course that is true, but a GAO report says that only 9 percent of venting and flaring is due to the lack of infrastructure, so it is only a small part of the overall issue.

And, by the way, this rule doesn't block or in any way impede any new infrastructure projects, and more infrastructure alone clearly won't solve the problem of leaking wells and flaring methane.

The issue of leaking methane, in particular, is partially addressed by this rule, which, by the way, doesn't go far enough. However, what they wrote has been proven to work in creating jobs and cleaning up our air.

In Colorado, we have a methane rule that, frankly, this rule is largely based on, and I know it has worked in Colorado. And while we need to do a lot better in my home State, at least some level of baseline can work for the whole country.

Oil production on Federal lands went up 28 percent between 2010 and 2015 under the Obama administration. There is no question that BLM has and still has authority to regulate methane. It is a waste of taxpayer money, a misuse of our public lands to do anything other than to reduce our methane emissions.

Just as an aside, the benefits of this rule include increased job creation, cleaner air, healthier families, and the climate.

BLM was extraordinarily conscientious when drafting this rule. They held eight public forums. They extended the comment period for 75 days. Over 300,000 public comments were collected and addressed. The BLM's methane rule was done out in the open with public input as opposed to, by the way, this process, which was done behind closed doors, without a public hearing, and didn't even have a committee hearing.

It doesn't make sense to use the CRA to repeal this BLM methane rule. This BLM methane rule creates jobs, protects our families, saves taxpayer money, and reduces our budget deficit.

The second amendment I offered got to the heart of the problem with CRAs in general. Regardless of the rules that they are impacting, they are a reckless, blunt tool, and they are not the right instrument for honest, thoughtful legislating.

If Congress has a problem with the authority under which the methane rule was issued, we should amend the statutory authority of the agency, not use a congressional resolution of disapproval.

My other amendment simply said that the agency has the right and authority to write a rule impacting this issue which, otherwise, the CRA could effectively prevent; and due to that uncertainty, passing the CRA creates even more uncertainty for the industry.

As the Denver Post, a newspaper that has endorsed dozens of Republicans over the last few years, said in regards to this methane waste rule: ''Congress is getting ready to use an ax where it needs a scalpel.''

The Congressional Review Act is one of the most ridiculous tools to be used by Congress, and, regardless of whether you disagree or agree with the policy, the better way to approach it would be to amend the statutory authority of the agency to make it clear whether they have the authority to issue this kind of rule and under what conditions.

While we may disagree on that, and we may be able to offer and bring to the floor amendments regarding agency authority, that is the appropriate venue for this discussion.

Let's move on to the other bill under this rule, the Fair Pay and Safe Workplaces bill. My Republican colleagues continue to refer to this order as a problematic order. Unfortunately, it is another attempt to mislead the American people. This is a tactic the Republican elite have called ''providing alternative facts.''

The rule under CRA today comes from the Fair Pay and Safe Workplaces executive order, and it is sorely needed legislation. What this rule says is, if you are a company that consistently breaks the law, without regard for your workplace, workers, taxpayers, or the community, you should not receive millions of dollars in taxpayer contracts.

It makes common sense to me. If you are abusing workers, have engaged in tax fraud, why would we want to contract with you with our taxpayer dollars?

Companies that cut corners in safety or fair pay, dozens of other areas, shouldn't get to compete for our taxpayer money against good actors and companies that play by the rules. Everybody needs to start from a level playing field.

Now, to be clear, there are only a few bad actors. The vast majority of companies have no issue at all with this rule. But unscrupulous actors who have ignored the law, violated the law, cut corners, should not be rewarded; and, to this day, there are a few bad actors that continue to receive billions of dollars of your taxpayer money in Federal contracts.

In 2010, a GAO report proved that there was a problem. GAO investigated 15 Federal contractors cited for violating hundreds of Federal labor laws enforced by the Department of Labor, OSHA, and the National Labor Relations Board. The Federal Government awarded these 15 Federal contractors over $6 billion in government contract obligations, your money going to known violators in 2009 alone.

How about that for waste, fraud, and abuse?

Now, look, I don't know about my colleagues on the other side of the aisle, but fiscal responsibility is core to my beliefs as a Member of Congress. That is why I am a proud cosponsor of an amendment to require a balanced budget.

I believe in the value of hard work and personal responsibility. If we know a company is cutting corners, taking the easy way out, and avoiding the responsibility of the law, why would we reward them with your money?

Organizations throughout the country, representing a diverse group of stakeholders, agree. The Leadership Conference on Civil and Human Rights, the Paralyzed Veterans of America, the Service Employees International Union

all join me in opposition to this Congressional Review Act. They recognize the value of hard work. They don't support companies who cheat. I don't know why my Republicans colleagues do.

This rule modernizes an antiquated system. Right now it is virtually impossible for procurement officials to know if company A has had any violations when they are up against company B for a contract. If company A has been cheating workers out of overtime and that allows them to underbid Company B, they shouldn't get the contract and be rewarded for violating the law.

This executive order will increase coordination, simplification, access to information, and streamline the system.

This executive order does not set up any way for companies to be banned or disbarred. That process has always existed and will still exist alongside this as a separate, independent process. In fact, what this process does is it provides a remedial path for companies to right the ship, to get right with the law, to be eligible, once again, for Federal contracts.

A simple or rare mistake should, of course, not bar a company from participating in the Federal recruitment process. Instead, companies with repeated and excessive transgressions should be helped to follow the law and create a better workplace and be rewarded to be better stewards of taxpayers dollars.

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

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

Not surprisingly, my friend and I have a number of disagreements on the wisdom of getting rid of these particular regulations. We do agree on the importance of actually capturing methane gases. Frankly, my friend is right. That is a profitable thing, and most companies try to do it on their own.

We do, frankly, need more infrastructure in this area, no question about that. The BLM has been less than cooperative in allowing that infrastructure to be built on Federal land, and that has made this problem more difficult than it needs to be.

But it is important to recognize, overall, the amount of methane gas that actually escapes has gone down steadily and, frankly, dramatically, even as production has moved up. So additional regulation is unlikely to change that process. It may actually complicate it.

In terms of where the appropriate authority lies, again, I would just remind my friend, as he knows, the Environmental Protection Agency has the authority to do this. So if it felt like it needed it, it could.

The BLM has actually moved into a new area beyond its traditional jurisdiction because it does not have authority, under the Clean Air Act, to draft these kind of rules and regulations. The Clean Air Act, again, is already in place. The EPA has the authority. If we need to do something, let's do it.

In terms of the disbarment procedure for contractors, what we have is already awfully robust. Almost 2,000 firms, or on 2,000 occasions, companies were disbarred in 2015 from Federal contracting work. It was the same in 2014. So there is something in place. We don't need additional regulatory expense, additional people working for the government. We can rely on the procedures we already have.

My friend is concerned about the lack of hearings. I would remind him, while we haven't had hearings on these items in this Congress, we certainly did on both of them in the last Congress, in some cases, multiple hearings. There is not any need to rehash and go over the same ground, in my view.

Finally, in terms of just the process itself, the Congressional Review Act actually limits the form in which these sorts of things can be brought forward. If amendments are made in order, frankly, the item loses its privilege in the United States Senate, which, obviously, changes the speed at which you can move and perhaps even the number of votes that are required to actually move forward.

So we think, again, these are items that have been explored, looked at, debated. The evidence is pretty clear. We think it is important to move quickly in these areas, and I would urge the body to do so. Adopt the rule. Support the underlying legislation.

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

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule.

What does this rule do? It enables the repeal of protections for American workers. These are regulations that ensure that Federal contractors must disclose labor violations across 14 basic labor laws.

□ 1245

Our Federal contractors employ approximately 28 million workers, and while the vast majority of contractors are in compliance, unfortunately, every year American workers are denied their overtime wages, they are discriminated against for their gender, or their age, or had their health and their safety put at risk.

Why is this Republican majority working so hard to ensure that billions of taxpayer dollars continue to go to contractors that cheat their workers? This executive order targets those bad actors and the most egregious cases.

The intention of the executive order was to encourage compliance with the law and level the playing field for contractors who are playing by the rules. If there are no violations, bidders simply check a box.

What should we be doing here in this body? We should be increasing worker protections, not demeaning them or decreasing them. The more than one in five Americans who would be affected should be protected by our labor laws.

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

I just want to make a couple of good points. Remember, my friends, disbarment is already a very common procedure. It was invoked over 2,000 times. So having another regulatory hurdle and hoop to jump through, just simply isn't necessary.

Again, these regulations were, frankly, generated in the final waning months of the Obama administration. They haven't been in action, and there is sort of a regulatory fit. It is not, by the way, unusual for just the last administration. All administrations have this tendency near the end, and that is one of the reasons why we have the Congressional Review Act in the first place, so that when administrations, in their waning days, decide they want to leave difficult situations or push through things that they didn't see fit to do over an 8-year period, Congress can expeditiously make sure that those regulations aren't put in place and businesses are forced to begin to comply with them.

As I pointed out in my opening remarks, the regulations released by the last administration—over 3,000 of them in an 8-year period—cost the economy over $870 billion. The regulations that were issued between election day and Inauguration Day cost the economy over $40 billion. That is real money. That is real investment that could go elsewhere and could hire people.

So I would think that these, along with the other Congressional Review Act bills that will be coming forward, and have already come forward, will actually give the economy a much-needed shot in the arm, will help stimulate job creation and movement, and we have a timeframe in which we have to operate.

So if we actually followed all of the procedures my friend suggested, many of these regulations, frankly, would never get reviewed before they went on the books.

So it is better to act quickly. I think it is better for American business.

Again, I urge the support of the rule and the underlying legislation.

I reserve the balance of my time.

Mr. POLIS. I am prepared to close if the gentleman doesn't have any remaining speakers.

Mr. COLE. I am certainly prepared to close.

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

First of all, the gentleman from Oklahoma referenced that these have been the subject of hearings. I would point out that there are over 50 new Members of this body who were not part of the last Congress who have not had a chance to look at it. And there has been time.

They could have had hearings and markups last week or the week before

prior to these bills coming to the floor. I just came from a hearing in one my committees today. So they certainly could have been done consistent with the timeline, had that been the desire.

But, again, the better approach, the correct approach, would be to amend or change the authorities of the authorizing agency for these rules, rather than use the CRA process.

Mr. Speaker, President Trump's immoral and unconstitutional executive order banning Syrian refugees and suspending immigration from many countries is an attack on our core American values as a nation of law and a nation of immigrants.

This callous indifference of human suffering not only has tarnished and hurt our image abroad but harmed our national security by alienating allies and providing terrorist groups with new recruiting tools.

If we defeat the previous question, I will offer an amendment to the rule to bring up Representative LOFGREN's bill to overturn and defund this dangerous executive order.

Let me be perfectly clear for people watching what this vote means. A ''no'' vote on the previous question gives us the opportunity to overturn this order and bring up Representative LOFGREN's bill. A ''yes'' vote means the House will continue to do nothing to stop President Trump's executive action and, instead, choose with allowing more methane to be spewed into the atmosphere.

This will be the third such vote the House takes this week, and, so far, every vote cast by a Republican Member in Congress has been in favor of turning a blind eye to President Trump's unconstitutional and dangerous order.

The American people should take notice and insist that their elected Representatives vote ''no'' and reject this administration's disgraceful policy.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment into 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. The fact that these CRA proposals that we have before us have not gone through any sort of special order, regular order; the fact that CRAs are cumbersome and reckless tools; and the fact that all they do is take away protections from our air and from our workers should make it easy for every Member of this body to join me in voting ''no'' on this rule and on the underlying bills.

We should be keeping regulations and standards predictable that put Americans at the top of our priority list, not oil and gas companies, and not companies that are bad actors and violate our law by refusing to pay overtime to their workers.

We should value clean air, and we should value companies that play by the rules. We should value regulations that protect our taxpayer dollars rather than increase our deficit by $140 million. We can do all of these things by simply defeating this rule and defeating the underlying bills.

I urge my colleagues to vote ''no'' on the previous question, ''no'' on the rule, and ''no'' on the underlying bills.

I yield back the balance of my time.

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

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

I want to thank my friend. As always, he is always thoughtful, always a good person to hold a debate and a conversation with.

On this one, we simply disagree. My friend referenced some of the ''conservative groups'' that are supporting the maintenance of the flaring rule, the BLM.

Just for the record, I want to add some that I am actually more familiar with: the Americans for Tax Reform, Citizens Against Government Waste, Americans for Prosperity, and Taxpayers Protection Alliance. All of those are in favor of the repeal of this regulation, and all of them think it will actually save businesses money and increase activity as opposed to the regulation which we think actually discourages economic activity.

Again, these are regulations—in both cases, they were adopted in the final waning days of the administration. These are things that Congress had serious doubts against, but, obviously, couldn't override an administration when they were in office.

The Congressional Review Act itself is done, so we can do this sort of exercise after an administration leaves, and actually go back and undo some of the damage that I think is routinely done by both parties in their waning days, when they would actually be better off to just simply let the new people get into their jobs and actually go about their business.

We have appropriate regulatory authority in both of these areas. Again, the Environmental Protection Agency has the power under the Clean Air Act to issue whatever regulations it cares to on methane. And here, frankly, we ought to pat business on the back because, as we have increased production of both oil and natural gas, methane has consistently gone down dramatically and steadily over the years.

I suspect that process will continue with or without the regulation of the Federal Government because, quite frankly, it makes good business sense. And, quite frankly, most people in private business want to be good stewards to the environment. They are not out to try and damage our air or our water.

The same thing is true in terms of bad actors—and there certainly are some bad actors—that engage in activities that are inappropriate for Federal contractors who violate the law. That is why, under current law, almost 2,000 companies were disbarred in 2015; a similar number in 2014.

So, again, what we have in place appears to be working. Why we would create an additional hurdle, hire additional people, and force companies to do additional paperwork is beyond me. I don't think it is the wise thing to do; I don't think it is the necessary thing to do.

Mr. Speaker, in closing, I want to encourage all Members to support the rule.

H.J. Res. 36 and H.J. Res. 37 both undo regulations that should never have been made in the first place. By preventing the implementation of these onerous, duplicative regulations, we will relieve the burdens faced by American small business.

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

AN AMENDMENT TO H. RES. 74 OFFERED BY MR. POLIS

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

SEC. 3. 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. 724) to provide that the Executive Order entitled ''Protecting the Nation from Foreign Terrorist Entry into the United States'' (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes. 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. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 724.

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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. COLE. 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 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess.

□ 1305

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 5 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 74; and

Adoption of House Resolution 74, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR CONSIDERATION OF H.J. RES. 36, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A FINAL RULE OF THE BUREAU OF LAND MANAGEMENT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 37, DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 74) providing for consideration of the joint resolution (H.J. Res. 36) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to ''Waste Prevention, Production Subject to Royalties, and Resource Conservation'', and providing for consideration of the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, 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.

The vote was taken by electronic device, and there were—yeas 230, nays 188, not voting 14, as follows:

[Roll No. 74]

YEAS—230

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

NAYS—188

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

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

NOT VOTING—14

Brady (PA)
Bucshon
Clark (MA)
Hastings
Hudson
Jones
Meehan
Moore
Mulvaney
Price, Tom (GA)
Rush
Russell
Walker
Zinke

□ 1328

Messrs. DAVID SCOTT of Georgia and GENE 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.

Stated for:

Mr. MEEHAN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 74.

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. POLIS. 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 232, noes 190, not voting 10, as follows:

[Roll No. 75]

AYES—232

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

NOES—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—10

Clark (MA)
Hastings
Hudson
Jones
Mulvaney
Price, Tom (GA)
Rush
Smith (TX)
Walker
Zinke

□ 1336

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

Mr. HUDSON. Mr. Speaker, on rollcall No. 74 and 75 I was unable to cast my vote in person due to an emergency dental procedure. Had I been present, I would have voted "Yes."

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 38 minutes p.m.), the House stood in recess.

□ 1341

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALAZZO) at 1 o'clock and 41 minutes p.m.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 71, I call up the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007,

and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 71, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 40

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007 (published at 81 Fed. Reg. 91702 (December 19, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their designees.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials to H.J. Res. 40.

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

There was no objection.

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

Mr. Speaker, today I rise in strong support of H.J. Res. 40, a joint resolution providing for congressional disapproval of the rules submitted by the Social Security Administration relating to implementation of the NICS Improvement Amendments Act of 2007.

On December 19, 2016, in the waning days of the previous administration, the Social Security Administration published a rule finalizing the criteria for sending the names of certain Social Security beneficiaries to the National Instant Criminal Background Check System, NICS.

Under the rule, an individual's name will be sent to the NICS if they receive disability insurance or supplemental security income benefits based on having a mental disorder, the person is between age 18 and the full retirement age, and the SSA determines that the person needs a representative payee to manage their benefits. Individuals who meet these criteria would be prohibited from exercising their Second Amendment right to possess firearms.

This rule is a slap in the face of those in the disabled community because it paints all those who suffer from mental disorders with the same broad brush. It assumes that simply because an individual suffers from a mental condition, that individual is unfit to exercise his or her Second Amendment rights. No data exists to support such an egregious assertion. In fact, studies show that those who suffer from mental disorders are more likely to be victims of crime rather than perpetrators of crime.

Furthermore, there is a total absence of any meaningful due process protections under the rule. Currently, citizens lose their right to possess a firearm when they have been convicted by a judge or jury of a felony or misdemeanor crime of domestic violence, when they have been dishonorably discharged after given a hearing, or when they have been deemed a fugitive after being given an option to appear and avail themselves of their due process rights, among other reasons.

□ 1345

All of these have one thing in common: they all provide due process to the affected individual.

Under the SSA rule, the affected party has no ability to defend himself or to even introduce evidence before the SSA denies his right to possess a firearm. Additionally, at no time during the process during which the SSA is seeking to deny someone his Second Amendment rights must the Social Security Administration make a determination that the individual poses a risk to himself or others. This is the standard that has long been used to determine if the right to possess a firearm should be prohibited.

Some may point to the rule's appeals process as providing a form of due process. However, the appeals process is severely flawed because it puts the burden on individuals to prove that restoring their Second Amendment rights would not pose a danger to public safety or be contrary to the public interest. In every other instance in which someone is facing a loss of his ability to possess a firearm, the burden is on the government to prove that the individual should have his right taken away. Under this flawed system, the individual bears the burden against the government. This is not what due process looks like.

During debate on the rule for this joint resolution, I heard a number of reasons from my colleagues on the other side of the aisle as to why they opposed this joint resolution. Quite frankly, I am shocked at what little regard they have for the disabled community. The gentleman from Massachusetts claimed that this joint resolution was done at the bidding of the National Rifle Association. Yes, the National Rifle Association does support H.J. Res. 40. However, what my colleague from Massachusetts failed to mention during the debate yesterday was who else supports the joint resolution.

Supporters include the American Association of People with Disabilities, the National Disability Rights Network, the Autistic Self Advocacy Network, the Bazelon Center for Mental Health Law, the Arc of the United States, the Consortium for Citizens with Disabilities, the Disability Law Center of Alaska, the National Council on Independent Living, and the National Coalition for Mental Health Recovery. Even the National Council on Disability—an independent Federal agency that makes recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families—has called on Congress to utilize the Congressional Review Act in order to repeal this rule.

It was also mentioned—and will, undoubtedly, be mentioned here later today—that this rule received over 91,000 comments. What they didn't tell you, and what I am guessing they won't tell you today, is that the overwhelming majority of the comments opposed the rule. Opposition wasn't based on small, technical issues. It was based on the fundamentally flawed concept of the rule. Many of the organizations I mentioned earlier provided comments to the agency. Rather than listen to the organizations advocating for the rights of the disabled, the previous administration decided to ignore them.

I thank the gentleman from the State of Texas (Mr. SAM JOHNSON) for his hard work on this important issue that affects law-abiding citizens in every congressional district in America.

I ask my colleagues to support this resolution—to stand with the disabled community and to stand with the Constitution. Support H.J. Res. 40.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the control of the balance of my time to the gentleman from Texas (Mr. SAM JOHNSON), the sponsor of this resolution.

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

There was no objection.

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

I rise in opposition to H.J. Res. 40, a measure that would vacate an important rule issued by the Social Security Administration to help reduce gun violence.

This resolution of disapproval is particularly problematic because, pursuant to the Congressional Review Act, it would not only invalidate this rule but prohibit the agency from adopting substantially the same rule in the future, even an improved version of the rule. How unusual.

As we consider this resolution today, I ask my colleagues to consider, for just a moment, how we arrived at this point and, more precisely, what is at stake.

In 1968, after a decade of assassinations and gun violence, Congress worked to pass the Gun Control Act. That law lists certain categories of individuals who are prohibited from purchasing and possessing firearms, including felons, fugitives, those who

have renounced their citizenship, those who have been dishonorably discharged, and also those ''adjudicated mentally defective.'' Today, we don't commonly use that outdated and unfortunate terminology. Instead, we refer to the ''Federal mental health prohibitor,'' which remains an important—although challenging—feature of our Federal gun laws.

Because it was common sense that we needed a system to help prevent guns from getting into the hands of those who were legally prohibited from possessing them, Congress took bipartisan action to enact the Brady Act in 1993. That statute established a National Instant Criminal Background Check System—some call it NICS—and it requires federally licensed gun dealers to conduct checks on prospective purchasers in order to verify that they are not prohibited on the basis of the statutory categories.

Although unwisely limited only to sales conducted by licensed gun dealers, the NICS system is extremely beneficial as far as it goes. Critically, however, this background check system is only as good as the completeness of the records it includes. This fact was tragically underscored in 2007, when a student on the campus of Virginia Tech shot and killed 32 people. The shooter had a mental health record that was serious enough that it should have been reported to the system, but it was not.

As a result, Congress enacted the bipartisan NICS Improvement Amendments Act that same year in order to provide incentives for States to do a better job of submitting disqualifying mental health records to the system. The law also requires Federal agencies to submit any such information that they have. While some States have done a great job of complying with the law, others have not, which remains a critical challenge. As we expect States to do more to comply, we must also ensure Federal agencies are doing their part.

The rule under consideration, which was finalized last December after an extensive rulemaking process that considered more than 91,000 comments from the public, is intended to impact only a very narrow range of individuals whom the agency determines should be prohibited from possessing firearms under the statutory mental health prohibitor, which has been the law for decades. The rule applies only to those individuals who have a very severe, long-term mental disorder that makes them unable to do any kind of work in the American economy, including even part time or at very low wages.

These individuals must have been determined through an evaluation of all of the evidence that they are not capable of managing their own benefits and must be assigned a representative payee. This designation is given only after an individual is notified orally and in writing at the outset of the process that the gun eligibility determination would be the result of the assignment of a representative payee. After the determination is made, the affected individuals may appeal the decision to the agency and then, ultimately, to a Federal court.

Of course, we must avoid taking actions that would unfairly stigmatize individuals who suffer from mental illness or a disability. This is true in many respects, but, with regard to issues of public safety, we must recognize that people who suffer from mental illness should not be assumed to be dangerous. In fact, they are much more likely to be victims of crime than to be perpetrators. With those considerations in mind, my colleagues, it can be difficult to apply the mental health prohibitor, but, still, we must apply and enforce the law.

If I were proposing such a rule, I cannot say whether this process would be exactly what I would recommend. We have not held hearings on this issue, and we have not had the chance to examine all appropriate considerations. I can say that the agency has undertaken a commendable effort in accordance with President Obama's directive to ensure that the NICS background check system has the information that it believes, after a thorough rulemaking process, corresponds to a longstanding category of firearms prohibition.

Accordingly, we should not completely disregard the agency's efforts, and I urge my colleagues to strenuously oppose H.J. Res. 40.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Former President Obama was never a champion of the Second Amendment right to keep and bear arms. He fought to deny Americans their constitutional rights throughout his whole 8 years in office. In fact, on his way out the door, former President Obama finalized a rule that discriminates against individuals with disabilities and that deprives law-abiding Americans of their Second Amendment rights. Under this rule, certain Social Security disability beneficiaries, who also need help, would be stripped of their Second Amendment rights. More specifically, their names would be reported to the National Instant Criminal Background Check System.

Mr. Speaker, just because someone has a disability does not mean he is a threat to society. Furthermore, needing help to manage your benefit does not make you dangerous; but you don't have to take my word for it as the disability community has also raised serious concerns with regard to this rule.

The National Council on Disability, which is the independent agency that is charged with advising Congress and the President on disability policy, said:

''There is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm.''

In addition, Mr. Speaker, I include in the RECORD many letters of support I have received for my bill from one of the disability community's Second Amendment groups and civil rights groups and others.

NATIONAL COUNCIL ON DISABILITY,
*Washington, DC, January 24, 2017.*

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

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

DEAR MAJORITY LEADER MCCONNELL AND SPEAKER RYAN: I write on behalf of the National Council on Disability (NCD) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702. In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, NCD submitted comments to SSA on the proposed rule on June 30th, 2016. In our comments, we cautioned against implementation of the proposed rule because:

''[t]here is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee[.]''

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCD recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCD is a nonpartisan, independent federal agency with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCD believes that SSA's final rule falls far short of meeting these criteria.

Additionally, as NCD also cautioned SSA in our comments on the proposed rule, we have concerns regarding the ability of SSA to fairly and effectively implement this rule—assuming it would be possible to do so—given the long-standing issues SSA already has regarding long delays in adjudication and difficulty in providing consistent, prompt service to beneficiaries with respect to its core mission. This rule creates an entirely new function for an agency that has long noted that it has not been given sufficient resources to do the important work it is already charged with doing. With all due respect to SSA, our federal partner, this rule is simply a bridge too far. In fact, it is conceivable that attempts to implement this rule may strain the already scarce administrative resources available to the agency,

further impairing its ability to carry out its core mission.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCD urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCD feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Regards,

CLYDE E. TERRY,
*Chair.*

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NATIONAL RIFLE ASSOCIATION OF AMERICA,
*Fairfax, VA.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*House Minority Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: I am writing on behalf of the National Rifle Association Institute for Legislative Action (NRA–ILA) to urge you to vote yes on H.J. Res. 40. This measure is a joint resolution to disapprove, under the Congressional Review Act, a Social Security Administration (SSA) rule that would result in hundreds of thousands of law-abiding Americans permanently losing their Second Amendment rights.

SSA claims its rule was mandated by the NICS Improvement Amendments Act of 2007 (NIAA), as interpreted by the Obama administration's Department of Justice. The supposed intent of the rule is for SSA to identify disability or Supplementary Security Income beneficiaries who qualify as prohibited ''mental defectives'' under the Gun Control Act (GCA) and report them to the National Instant Criminal Background Check System (NICS).

NICS came online nearly 20 years ago, but at no point before this new regulation did SSA consider its own operations or decisions as somehow implicated by the prohibitions in the GCA. Clearly this was not provoked because of the NIAA or because of changes in the SSA's own procedures, but because of the antigun politics of the Obama administration. President Obama made clear that if Congress would not support his desire for increased gun control, he would act on his own. That's why he issued this proposal in the final days of his administration.

The SSA received over 91,000 comments in response to its proposed rule, the overwhelming majority of them in opposition. Comments submitted by NRA–ILA explained in detail how the rule misread the underlying statutes; ignored binding case law; targeted harmless individuals who do not pose a risk of harm; violated due process; and hijacked the SSA's legitimate functions for political purposes.

Our opposition was joined by mental health professionals and advocates for the mentally ill, who argued that the proposal was not supported by evidence or science; added to the stigma of mental illness; and created disincentives for mentally ill persons to seek help and benefits to which they are entitled.

Reporting law-abiding, non-dangerous individuals to NICS and forcing them, as a condition of removal, to prove they are not a threat to society is inconsistent with the GCA, the Second Amendment and basic due process.

For these reasons, the NRA strongly supports H.J. Res. 40. Because of the importance of this issue to NRA members and gun owners throughout the country, votes on H.J. Res. 40 will be considered in future candidate evaluations and we will notify our members accordingly.

Sincerely,

CHRIS W. COX.

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NATIONAL COALITION FOR MENTAL HEALTH RECOVERY,
*Washington, DC, January 29, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: I write on behalf of the National Coalition for Mental Health Recovery (NCMHR) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702.

NCMHR submitted comments to SSA on the proposed rule in June 2016. In our comments, we cautioned against implementation of the proposed rule because there is no causal connection between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee.

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCMHR recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCMHR is a nonpartisan, is a nonpartisan, nonprofit with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCMHR believes that SSA's final rule falls far short of meeting these criteria.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCMHR urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCMHR feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Sincerely,

DANIEL B. FISHER, *M.D., Ph.D.,*
*Chair NCMHR.*

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CONSORTIUM FOR CITIZENS WITH DISABILITIES,
*Washington, DC, January 26, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Co-Chairs of the Rights Task Force of the Consortium of Citizens with Disabilities (CCD) urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Prior to the issuance of the Final Rule, the CCD Rights Task Force conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

On behalf of the CCD Rights Task Force, the undersigned Co-Chairs,

DARA BALDWIN,
*National Disability Rights Network.*
SAMANTHA CRANE,
*Autistic Self-Advocacy Network.*
SANDY FINUCANE,
*Epilepsy Foundation, Law.*
JENNIFER MATHIS,
*Bazelon Center for Mental Health.*
MARK RICHERT,
*American Foundation for the Blind.*

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AMERICAN CIVIL LIBERTIES UNION,
*Washington, DC, February 1, 2017.*

Vote YES on the Resolution of Disapproval, H.J. Res. 40 (Social Security Administration NICS Final Rule)

Vote NO on the Resolution of Disapproval, H.J. Res. 37 (Federal Acquisition Regulation/Fair Pay and Safe Workplaces EO)

DEAR REPRESENTATIVES: On behalf of the American Civil Liberties Union (ACLU), we urge members of the House of Representatives to support the resolution disapproving the final rule of the Social Security Administration which implements the National Instant Criminal Background Check System Improvement Amendment Acts of 2007.

Additionally we urge members to oppose the resolution of disapproval of the rule submitted by the Department of Defense, the General Services Administration, and NASA relating to the Federal Acquisition Regulation that implement the Fair Pay and Safe Workplaces Executive Order 13673.

SOCIAL SECURITY ADMINISTRATION (SSA)'S IMPLEMENTATION OF THE NICS IMPROVEMENT AMENDMENT ACTS OF 2007 HARMS PEOPLE WITH DISABILITIES

In December 2016, the SSA promulgated a final rule that would require the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients—who, because of a mental impairment, use a representative payee to help manage their benefits—be submitted to the National Instant Criminal Background Check System (NICS), which is used during gun purchases.

We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence. The rule further demonstrates the damaging phenomenon of ''spread,'' or the perception that a disabled individual with one area of impairment automatically has additional, negative and unrelated attributes. Here, the rule automatically conflates one disability-related characteristic, that is, difficulty managing money, with the inability to safely possess a firearm.

The rule includes no meaningful due process protections prior to the SSA's transmittal of names to the NICS database. The determination by SSA line staff that a beneficiary needs a representative payee to manage their money benefit is simply not an ''adjudication'' in any ordinary meaning of the word. Nor is it a determination that the person ''[l]acks the mental capacity to contract or manage his own affairs'' as required by the NICS. Indeed, the law and the SSA clearly state that representative payees are appointed for many individuals who are legally competent.

We recognize that enacting new regulations relating to firearms can raise difficult questions. The ACLU believes that the right to own and use guns is not absolute or free from government regulation, since firearms are inherently dangerous instrumentalities and their use, unlike other activities protected by the Bill of Rights, can inflict serious bodily injury or death. Therefore, firearms are subject to reasonable regulation in the interests of public safety, crime prevention, maintaining the peace, environmental protection, and public health. We do not oppose regulation of firearms as long as it is reasonably related to these legitimate government interests.

At the same time, regulation of firearms and individual gun ownership or use must be consistent with civil liberties principles, such as due process, equal protection, freedom from unlawful searches, and privacy. All individuals have the right to be judged on the basis of their individual capabilities, not the characteristics and capabilities that are sometimes attributed (often mistakenly) to any group or class to which they belong. A disability should not constitute grounds for the automatic per se denial of any right or privilege, including gun ownership.

FAIR PAY AND SAFE WORKPLACES REGULATIONS ADVANCE WORKER SAFETY AND RIGHTS

The rules implementing the Fair Pay and Safe Workplaces Executive Order take an important step towards creating more equitable and safe work conditions by ensuring that federal contractors provide workplaces that comply with federal labor and civil rights laws.

Employers that have the privilege of doing business with the federal government must meet their legal obligations. The Fair Pay and Safe Workplace regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws and that they are complying with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

Congress should stand with workers, increase the accountability of federal contractors and oppose any attempts to undo the Fair Pay and Safe Workplaces regulations. These rules will help ensure that the federal government does not contract with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations.

If you have any questions, please feel free to contact Vania Leveille, senior legislative counsel.

Sincerely,

FAIZ SHAKIR,
*Director, Washington Legislative Counsel.*
VANIA LEVEILLE,
*Senior Legislative Counsel, Washington Legislative Office.*

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THE JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW,
*Washington, DC, January 30, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Bazelon Center for Mental Health Law urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' The Center is a national legal advocacy organization that protects and advances the rights of adults and children with mental disabilities.

This rule would require the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already tooscarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person ''lacks the capacity to contract or manage his own affairs'' as a result of ''marked subnormal intelligence, or mental illness, incompetency condition or disease.'' The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

JENNIFER MATHIS,
*Director of Policy and Legal Advocacy.*

□ 1400

Mr. SAM JOHNSON of Texas. Mr. Speaker, we need to put a stop to this rule now. That is why I introduced H.J. Res. 40, along with Congressman ABRAHAM, to overturn this rule and make sure the constitutional rights of individuals with disabilities are protected.

I urge my colleagues to vote ''yes'' and pass this resolution.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I rise in opposition to H.J. Res. 40. This resolution undermines our NICS background check system.

I am a gun owner and a strong supporter of the Second Amendment, but this isn't about denying people the right to own a gun. It is about upholding the law, and the law is very clear on who should be reported to the NICS system.

The law was passed more than a decade ago to keep guns out of the hands of people who can't responsibly own them. These are not people just having a bad day. These are not people simply suffering from depression or anxiety or agoraphobics. These are people with a severe mental illness who can't hold any kind of job or make any decisions about their affairs. So the law says very clearly that they shouldn't have a firearm.

The Supreme Court in the Heller decision recognized that the Second Amendment grants Americans the right to own firearms, but they also stated that reasonable restrictions to that right can apply, such as when a person is diagnosed with a severe mental illness.

The Social Security Administration is simply obeying the law.

So what exactly is the objection here?

Passage of this resolution puts Americans at risk. It would prevent the Social Security Administration from reporting the names of those who should not have a gun and prohibit that indefinitely.

If there are concerns about the rules, let's revise it. But the CRA process is not a revision. It would ban Social Security from even amending their rule. This is a dangerous overstep, and I urge Members to consider the safety of our districts. No one wants another Virginia Tech. No one wants another Newtown.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. ABRAHAM).

Mr. ABRAHAM. Mr. Speaker, I am honored to introduce this resolution with my good friend, Representative SAM JOHNSON of Texas, one of the greatest patriots I have had the honor to come in contact with and a lifelong defender of our freedoms in America.

This resolution can be boiled down to one point: no bureaucrat should be able to deny an American his or her constitutional rights just because someone else handles their finances.

In the midnight hour of President Obama's last days in office, the Social Security Administration finalized a rule that would allow it to send the name of any beneficiary to the FBI's criminal background check system if they are assigned a representative payee due to mental impairment.

Allowing bureaucrats at the Social Security Administration to determine whether or not a beneficiary is fit to exercise their Second Amendment rights is a clear violation of due process that every American is afforded.

When this awful rule was proposed in 2015, both Representative SAM JOHNSON of Texas and I introduced legislation to prevent the Social Security Administration from carrying it out. With the introduction of this joint resolution, I am pleased that Congress and the President will now have the opportunity to review and to reverse this terrible rule.

That is why I strongly urge my colleagues, in both the House and the Senate, to pass this resolution and keep the government bureaucracies from putting themselves before the Constitution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, at a time here in America when mass shootings have become all too frequent, at a time when bullets literally rip apart human bodies and human families and cause so much pain, at a time when effective groups like Moms Demand Action for Gun Sense and Texas Gun Sense and the P.E.A.C.E. Initiative are asking this Congress to act to reduce gun violence, this Congress has committed itself to doing absolutely nothing about that violence.

If you are on the terrorist watch list and you cannot fly, not to worry about buying a gun. It's ''No fly,'' but you can still buy.

Today we are told the problem isn't that there are too many guns out there causing too much harm to American families. There are not enough. A group is being left out, omitted from access to guns.

There are a group of Americans, who either from birth or by contracting some mental disability later in life, have a mental impairment that is so significant that we ask taxpayers across America to provide them support through the Social Security disability system. They are declared to be disabled.

And within that group that is taxpayer funded, there is a much smaller group whose disability is so severe that they can't handle their own affairs. They can't receive a check. But these folks say don't worry that you can't place a check in their hand and you have to give it to someone else, it is okay to put a gun in their hands. That is what this proposal does.

Now, we have, as they have failed to point out, a system in place at the Veterans' Administration so that if someone is a veteran and they are disabled, there is a process by which they are included within this system.

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

Mr. CONYERS. Mr. Speaker, I yield an additional 1 minute to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, but these folks, instead of reaching out to do something about gun violence in America, propose to make them more accessible to individuals that are so impaired they cannot take care of themselves in many ways and cannot even accept a check and are saying: Give them a gun.

There are already safeguards in this Rule. Someone can appeal being listed and say: You know, I can't accept a check, but I do have the ability to own a gun. And they can do that through the Social Security Administration, as soon as they see their name on the list. Or if they are denied a purchase at a later time and they are someone who doesn't belong on this list, there is a way for them to get off the list.

In short, there is due process to ensure they are not unfairly denied gun access. But the American people and the families that are being hurt day after day by gun violence, they deserve some due process, too.

Let's uphold this Rule and reject this giant step backward that will only produce more gun violence and more families torn asunder.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of this resolution to repeal a rule which would arbitrarily revoke the Second Amendment rights of certain Social Security beneficiaries. The inability to manage one's Social Security benefits does not correlate with the capacity to judiciously use firearms.

By adding Social Security beneficiaries to the NICS list with no judicial review and forcing them to go through an appeals process to be removed, this rule would also violate the due process rights of these Americans.

I would also like to focus on the component of this rule which would inhibit the ability of Social Security disability beneficiaries to be approved by the Bureau of Alcohol, Tobacco, Firearms and Explosives to work with or around certain materials.

Mr. Speaker, there is bipartisan agreement we should be investing in and rebuilding our infrastructure. There is also bipartisan agreement we should be empowering people receiving benefits, like disability insurance, to return to work if they are able to do so.

However, this rule will create a new barrier for beneficiaries seeking to return to work in industries like construction by forcing them to navigate a complex appeals process before they can be reemployed.

Let me say again, if we do nothing about this rule, it will prevent law-

abiding Americans who are able to do so from getting off the disability rolls and returning to work.

We can work together on constructive ways to prevent those who would do us harm from having access to firearms and explosives. This rule is not the way to do so.

I urge support for the resolution.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS of New York. Mr. Speaker, I rise in opposition to H.J. Res. 40 with a message, and that is: Do not repeal this rule.

The Social Security Administration rule is intended to promote and to preserve the integrity of gun ownership in America.

I have heard it said by gun owner advocates that a steady hand is the best gun control. I believe that, but a steady hand requires a rationale mind.

The Social Security Administration rule that my colleagues on the other side want to eliminate is written carefully and narrowly, affecting a very small group of people with a very severe, long-term mental disorder that makes them unable to do any kind of work in the U.S. economy, even part-time or with very low wages and, also, people not mentally capable of managing their own benefits.

The Social Security Administration rule ensures that individuals, who are already prohibited from having guns under existing Federal law, have their names included on the National Instant Criminal Background Check System.

Mr. Speaker, 93 percent of Americans support background checks and believe that systems should be in place to ensure that guns are not in the hands of individuals who have been determined already by Federal law to be unable to use them safely.

I urge my colleagues to reject H.J. Res. 40.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. RENACCI).

Mr. RENACCI. Mr. Speaker, I thank Chairman SAM JOHNSON of Texas for his work on this important resolution and his many years of service to our country.

Mr. Speaker, in the final weeks of President Obama's final term, the Social Security Administration finalized a rule that flat out discriminates against millions of individuals with disabilities by denying them their Second Amendment rights.

But it gets worse. Not only does the rule place these innocent individuals' names in the National Instant Criminal Background Check System, it does so in a way that strips them of their due process. Specifically, it would subject these people to a very timely appeals process requiring them to prove their own innocence before their name could be removed.

In other words, this rule turns due process on its head by shifting the burden of proof from the government to the individual to ensure their constitutional right is not stripped away.

Moreover, as a member of the Social Security subcommittee, I am very concerned that this rule falls way outside the bounds of the Social Security Administration's mission. Instead of using the Social Security administrator's field office staff to help Ohioans manage and understand their benefits, this rule diverts resources away from that core mission toward one that is constitutionally suspect.

That is why I am proud to be an original cosponsor of Chairman SAM JOHNSON of Texas' resolution that protects Americans' Second Amendment rights and protects Americans with disabilities, their constitutional right, to due process under the law.

I urge my colleagues to support this joint resolution of disapproval.

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

Members of the House, we have some organizational support for opposing this resolution. The first is the AFL–CIO, one of our largest unions in the country. The second is the Consumer Federation of America, and then there is this great organization, Everytown for Gun Safety across the country.

In addition, the Americans for Responsible Solutions organization is opposed to H.J. Res. 40. Finally, the Brady Center to Prevent Gun Violence is also opposed to this measure, as is the Consumer Federation of America.

□ 1415

If Members believe this rule needs further refinement or that it does not afford adequate due process, then we should have the conversation with an eye toward improving the rule, but that is not what has been done. Unfortunately, this is what we are not discussing today. Instead, H.J. Res. 40 would invalidate all aspects of this rule and prohibit the agency from adopting substantially the same rule.

We should not summarily dismiss this rule, which would undermine the effort to make the NICS more effective. If H.J. Res. 40 passes Congress and is signed into law, some individuals will be able to pass firearm background checks solely because Congress prevented relevant records from being submitted to the system.

The Social Security Administration's rule is about making Americans safer from the scourge of gun violence and, unfortunately, believe me, H.J. Res. 40 would do the opposite.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Mr. Speaker, I rise today in strong support of H.J. Res. 40.

As part of our bold agenda for the American people, we are reining in the out-of-control bureaucracy in Washington. We are taking action to roll back 8 years of Obama administration overreach.

Today we are stopping an egregious violation that flies in the face of the Constitution. This regulation, finalized in the final days of the Obama Presidency, would deny certain Social Security recipients their Second Amendment rights without due process.

If you receive Social Security disability payments and someone helps you manage those payments, this regulation stops you from being able to purchase a firearm, your name gets added to a Federal database, and the burden is on you to prove it doesn't belong there. This is absolutely outrageous.

This regulation discriminates against individuals with disabilities by denying them their Second Amendment rights and violating their rights of due process. And it gives far too much power to bureaucrats at the Social Security Administration, who should be focused on making sure people get the benefits they deserve, not deciding who can own a gun.

This is why we are standing up for the Second Amendment rights of all disabled citizens. Being disabled doesn't make you a danger to society, and getting help managing your benefits doesn't mean you forfeit your constitutional rights.

Mr. Speaker, I want to absolutely thank Congressman SAM JOHNSON and Congressman RALPH ABRAHAM for their leadership on this issue. I strongly support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I include in the RECORD additional letters of support.

NATIONAL ASSOCIATION OF COUNTY BEHAVIORAL HEALTH & DEVELOPMENT DISABILITY DIRECTORS,
*Washington, DC, February 1, 2017.*

Re NACBHDD and NARMH Letter of Support for the CRA on the SSA NICS Rule.

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: NACBHDD and NARMH urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007. This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NACBHDD is a national organization that represents county mental health, substance use, and developmental; disability directors in Washington, DC. NARMH represents rural mental health in the Capital.

Prior to the issuance of the Final Rule, NACBHDD and NARMH conveyed our opposition to the rule through a letter to the Obama Administration and through the public comment process. We join many of our

mental health coalition members and advocates who—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely yours,

RON MANDERSCHEID, PhD,
*Executive Director.*

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NATIONAL ALLIANCE
ON MENTAL ILLNESS,
*Arlington, VA, January 31, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Alliance on Mental Illness (NAMI) writes to urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing, to the National Instant Criminal Background Check System (NICS).

NAMI is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness, with more than 1,100 state and local affiliates nationwide. NAMI recognizes and supports the need to prioritize reducing gun violence in the U.S. However, we are gravely concerned that the rule, as adopted, perpetuates unfounded stereotypes about people with mental illness and other mental disabilities that have no basis in fact. Moreover, we believe that the rule may have unintended negative consequences, including deterring individuals from seeking or receiving help when they need it.

Our specific concerns about the rule are the following:

There is no evidence supporting the proposition that people who are assigned Representative Payees on the basis of mental illness or other mental disabilities pose increased risks for gun violence or threats to public safety;

Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, the assignment of a Representative Payee to a recipient of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) is not equivalent to an adjudication. Rather, it is a unilateral determination by the SSA that a person may need help in managing his or her benefits. There is no hearing, the beneficiary is afforded no opportunity to testify or provide evidence why he or she should not be assigned a Representative Payee, and there are no other due process protections typically associated with formal adjudications.

The new rule reinforces unfounded perceptions associating mental illness and other mental disabilities with violence. Scientific studies that have assessed risk factors for violence contain no evidence linking difficulties with managing benefits with increased risks for violence.

SSI and SSDI provide vital links to medical benefits for people with mental illness. The rule may deter individuals from applying for these benefits for fear that their names will be added to a public database maintained by the FBI. Without such benefits, access to mental health treatment and services will be impeded.

Mr. Speaker and Madam Leader, NAMI asserts that the adoption of this misguided rule in the aftermath of Congressional adoption of a comprehensive bill to improve mental health care in America is exactly the wrong step to take. We therefore urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage it inflicts on people with mental illness and other disabilities.

Thank you for your prompt attention to these concerns.

Sincerely,

MARY GILIBERTI, J.D.,
*Chief Executive Officer.*

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NATIONAL ASSOCIATION FOR RIGHTS
PROTECTION AND ADVOCACY,
*Huntsville, LA, January 31, 2017.*

Hon. MITCH MCCONNELL,
*Senate Majority Leader,*
*Washington, DC.*
Hon. CHUCK SCHUMER,
*Senate Minority Leader,*
*Washington, DC.*

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: The National Association of Rights Protection and Advocacy (NARPA) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' NARPA was formed in 1981 to provide education and advocacy in the mental health arena. Members are attorneys, people with psychiatric histories, mental health professionals and administrators, academics, and non-legal advocates. Central to NARPA's mission is the promotion of those policies and strategies that represent the preferred options of people who have been diagnosed with psychiatric disabilities.

This rule requires the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS). The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person ''lacks the capacity to contract or manage his own affairs'' as a result of ''marked subnormal intelligence, or mental illness, incompetency condition or disease.'' The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

ANN RIDER,
*President.*

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NATIONAL COUNCIL
ON INDEPENDENT LIVING,
*Rochester, New York, January 27, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Council on Independent Living (NCIL) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by

the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NCIL represents people with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the country.

Prior to the issuance of the Final Rule, NCIL joined the CCD Rights Task Force to convey its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Respectfully,

KELLY BUCKLAND,
*Executive Director.*

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JANUARY 31, 2017.

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Disability Leadership Alliance (NDLA) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NDLA is a national cross-disability coalition that represents the authentic voice of people with disabilities. NDLA is led by 14 national organizations run by people with disabilities with identifiable grassroots constituencies around the country. The NDLA steering committee includes: ADAPT, the American Association of People with Disabilities, the American Council of the Blind, the Association of Programs for Rural Independent Living, the Autistic Self Advocacy Network, the Hearing Loss Association of America, Little People of America, the National Association of the Deaf, the National Coalition for Mental Health Recovery, the National Council on Independent Living, the National Federation of the Blind, the National Organization of Nurses with Disabilities, Not Dead Yet, Self Advocates Becoming Empowered, and the United Spinal Association.

Prior to the issuance of the Final Rule, NDLA conveyed its opposition to the rule through letters to Vice President Biden, to President Obama, and to Congress. NDLA members also raised concerns through letters to the Obama Administration and through the public comment process. We—and many other disability rights organizations—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

ADAPT, American Association of People with Disabilities, Association of Programs for Rural Independent Living (APRIL), Autistic Self Advocacy Network, Little People of America, National Association of the Deaf, National Coalition for Mental Health Recovery, National Council on Independent Living, National Organization of Nurses with Disabilities, Not Dead Yet.

NATIONAL DISABILITY RIGHTS NETWORK,
*Washington, DC, January 30, 2017.*

Re National Disability Rights Network letter of support for Use of Congressional Review Act on the Social Security Administration NICS Rule.

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The National Disability Rights Network (NDRN) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration (SSA) to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

NDRN is the nonprofit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies for individuals with disabilities. Collectively, the P&A/CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

Prior to the issuance of the Final Rule, NDRN joined the Consortium for Citizens with Disabilities (CCD) Rights Task Force conveying its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that would be sent by a SSA policy change, which focuses on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's SSDI benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this rule and prevent the damage that it may cause on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Sincerely,

CURT DECKER,
*Executive Director.*

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NEW YORK ASSOCIATION OF PSYCHIATRIC REHABILITATION SERVICES, INC.,
*Albany, NY, January 31, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: On behalf of thousands of New Yorkers with psychiatric disabilities, the New York Association of Psychiatric Rehabilitation Services (NYAPRS) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.''

By way of reference, NYAPRS is a 36 year old statewide coalition that has brought together New Yorkers with psychiatric disabilities and community recovery providers to advance policies, programs and social conditions that advance recovery, rehabilitation, rights and community inclusion.

This rule would require the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person ''lacks the capacity to contract or manage his own affairs'' as a result of ''marked subnormal intelligence, or mental illness, incompetency condition or disease.'' The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA. Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Please feel free to contact me at any time.

Sincerely,

HARVEY ROSENTHAL,
*Executive Director.*

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SAFARI CLUB INTERNATIONAL,
*Washington, DC, January 31, 2017.*

Re Safari Club International Support for House Joint Resolution 40.

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*House Minority Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: Safari Club International (Safari Club) supports House Joint Resolution 40, which provides for Congressional disapproval under the Congressional Review Act of the final rule submitted by the Social Security Administration (SSA) relating to ''Implementation of the NICS Improvement Amendments Act of 2007,'' adopted on December 19, 2016, 81 Fed. Reg. 91702.

Safari Club seeks Congressional disapproval of the rule for several reasons. It deprives an individual of the ability to receive or possess a firearm, including for recreational hunting, due to that individual's inability to manage his or her financial affairs (Firearms Rule). Under the Firearms Rule, the prohibition would apply when the SSA designates a representative payee because of the individual's mental impairment. A mental impairment that makes an individual incapable of handling his/her financial affairs does not necessarily equate to an inability to properly abide by the law in the use of firearms. The Firearms Rule unfairly attributes illegal conduct to law abiding citizens.

In addition, the Firearms Rule fails in its attempt to rectify its unfair treatment of individuals with mental impairments through its program for individuals to request relief from Federal Firearms prohibitions. This program places on the individual with a mental impairment the costly and burdensome task of collecting and presenting data to overcome the presumption that he or she is incapable of abiding by the law. This program forces upon law-abiding citizens the task of confronting a federal bureaucracy just to prove that they should not be unfairly treated as a criminal due to a mental impairment.

For these reasons, Safari Club supports a joint resolution stating ''that Congress disapproves the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, and such rule shall have no force or effect.''

Sincerely,

LARRY HIGGINS,
*President, Safari Club International.*

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, the regulatory state in America is alive and well. I wish I could say as much for our economy and our personal freedoms, but I believe that that is about to change thanks in large part to the recent Presidential election.

Over the last 8 years, we have replaced a free enterprise system with a regulatory bureaucracy that has crushed our economy, stifled our innovation, and quashed the great American spirit.

America has never seen such an onslaught of abusive and burdensome actions from the fourth branch of government. The cumulative cost of regulations on our American economy is almost $2 trillion. It costs almost $60 billion just to enforce all the regulations on the books.

Let me give you, though, an example of a regulation that is far worse in its effects than just simply economic burden or burden on our people.

Today, I stand with my friend and great American hero, SAM JOHNSON, in strong support of H.J. Res. 40 to strike down the Obama administration's last-ditch effort to infringe upon our Second Amendment rights. In the 11th hour, the Obama administration quietly sneaked in a rule that threatens to deny certain Social Security beneficiaries their right to purchase a firearm. Federal law makes it a crime already to possess a firearm if an individual has been adjudicated as a mental defective or has been committed to a mental institution. This midnight rule designates Social Security beneficiaries as having a mental impairment simply because they ask someone to manage their finances.

Just because an elderly or disabled individual chooses to delegate their financial responsibilities to another does not make them mentally incompetent, nor does it waive their right to due process. Many people, even in this Chamber, are designated to manage the finances of their parents on Social Security, and they do so because their parents may prefer not to deal with the complexities of our current financial environment.

Not only would this proposed rule be a continuation of the Obama administration's regulatory fiat, it would be irresponsible and dangerous and a breach of one of our fundamental rights. We cannot allow the Federal Government to haphazardly restrict our freedoms and the freedoms of over 4 million law-abiding Americans who would otherwise be responsible gun owners. In fact, they are some of the most vulnerable Americans who need to be able to protect themselves.

As noted by the Founders and in the plain language of our Constitution, the Federal Government shall not infringe upon our right to keep and bear arms.

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

and I would like to emphasize several points additionally.

The degree of impairment required for reporting to the NICS is extremely high, to the extent that someone is not capable of working at any job in the economy, no matter how basic. Someone receiving Social Security benefits as a retiree, even if they have mental impairment and have been assigned a representative payee, would not meet the criteria for reporting to the NICS because they are not receiving benefits because of disability.

Further, the rule went into effect in January, but compliance is not required until December of this year. This would only impact claims going forward and will not involve retroactively assessing individuals already receiving Social Security disability payments based on mental impairment.

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOHO).

Mr. YOHO. Mr. Speaker, I thank Chairman JOHNSON for standing up and defending our Nation's Constitution again, not just in his service to our country during the Vietnam era, but here in Congress and his many years here.

Mr. Speaker, I rise in support of this legislation. As a tireless advocate for the protection of our Second Amendment rights, I am disappointed, but not surprised, in the Obama administration's attempt to impair Americans' right to own firearms, by fiat, in its last days of existence. It is unconscionable and unthinkable that a President would do that to the citizens of this country.

This rule claims to strengthen the National Instant Criminal Background Check but, in reality, acted as a gun grab on individuals who receive disability insurance benefits or Supplemental Security Income payments. Participants in those programs should not be forced to worry that, in order to receive government assistance, they must sacrifice their constitutional liberty at the random whim of a government bureaucrat. The Second Amendment to our Constitution states very clearly that the right to keep and bear arms ''shall not be infringed,'' and Congress cannot stand by and allow unaccountable rulemaking from a previous administration to infringe on that right.

I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. JUDY CHU), my colleague, a member of the Judiciary Committee.

Ms. JUDY CHU of California. Mr. Speaker, I rise in strong opposition to this use of the Congressional Review Act to repeal the Social Security Administration's rule strengthening the National Instant Criminal Background Check System. The rule in question implements already-existing law to establish a commonsense streamlining of information which will help improve our background check system for gun purchases.

It is important to note that individuals with disabilities are actually more likely to be victims than perpetrators of gun violence, which is why I support more far-reaching gun safety measures like universal background checks and a ban on the most dangerous weapons.

However, when there have been instances of mass shootings committed by those with a history of mental health issues, top Republicans, including Speaker RYAN, have stood on this very floor to say that they believe we should focus on mental health issues. Well, this is their chance to prove that those were not just empty words; but, instead, they are showing their true loyalties and again resisting any attempt to strengthen basic safeguards to ensure responsible gun ownership.

This is a commonsense regulation that sets a high bar for referring names to the background check system. No one's rights are unduly restricted. An appeals process has been built in to afford due process. So it is clear that my Republican colleagues concerns' are not about safety, but about maximizing profits for gun manufacturers, even if it costs the lives of fellow Americans.

And worse, they are using the restrictive Congressional Review Act to do so. This will not only make it easier for even those with severe mental health issues to buy a gun, but it will also take the option for writing similar rules off the table forever, tying the hands of all future administrations.

This is reckless. Gun deaths are a daily scourge in our country, and it is up to us to do whatever we can to mitigate the risk of the dangerous weapons in the wrong hands. I urge my colleagues to vote ''no'' on this resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, having no other speakers, I reserve the balance of my time.

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

Members of the House, this is a very serious matter. This rule, and I have to emphasize this, does not run afoul of the Second Amendment. You can oppose this—well, let's put it like this: The Heller Court, in the Supreme Court case, said that ''nothing in the Court's opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill.'' I emphasize ''and the mentally ill.''

And it is in that sense that I join with the AFL–CIO, Consumer Federation of America, Everytown for Gun Safety, Americans for Responsible Solutions, the Brady Center to Prevent Gun Violence, and many thoughtful citizens who support the Second Amendment in opposing the measure that is on the floor now.

I urge Members to vote ''no.''

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

□ 1430

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself the balance of my time.

This is about constitutional rights of individuals with disabilities. Just because someone has a disability does not mean they are a threat to society. Furthermore, needing help to manage your benefits does not make you dangerous.

Mr. Speaker, I include in the RECORD additional letters of support.

AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES,
*Washington, DC, January 26, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The American Association of People with Disabilities (AAPD) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the economic and political power of people with disabilities.

Prior to the issuance of the Final Rule, AAPD conveyed its opposition to the rule to the Obama Administration. We, and many other disability rights organizations, opposed the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

AAPD urges Congress to act, through the CRA process, to disapprove this new rule to prevent the damage that it inflicts on the disability community and the extraordinarily damaging message it sends to society that people with mental impairments could should be feared and shunned.

Thank you for taking our position into consideration.

Yours truly,

HELENA R. BERGER,
*President & CEO.*

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ADAPT,
*Rochester, NY, January 31, 2017.*

ADAPT urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

ADAPT is a national grass-roots community that organizes disability rights activists to engage in nonviolent direct action, including civil disobedience, to assure the civil and human rights of people with disabilities to live in freedom.

We oppose the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, have urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

We look forward to an opportunity to speak with you and your staff about our concerns.

Sincerely,

BRUCE DARLING,
*National Organizer.*

ASSOCIATION OF MATURE AMERICAN CITIZENS,
*February 1, 2017.*

Hon. CHUCK GRASSLEY,
*U.S. Senator, Iowa,*
*Washington, DC.*
Hon. RALPH ABRAHAM,
*5th District, Louisiana,*
*Washington, DC.*
Hon. SAM JOHNSON,
*Chairman, Social Security Subcommittee, House Committee on Ways and Means, Washington, DC.*

DEAR SENATOR GRASSLEY, CHAIRMAN JOHNSON, AND CONGRESSMAN ABRAHAM: On behalf of the 1.3 million members of AMAC, the Association of Mature American Citizens, I am writing in support of the Joint Resolution to protect certain Americans' Second Amendment rights, H.J. Res. 40. Using the Congressional Review Act, this Joint Resolution is meant to undo a Social Security Administration (SSA) regulation that would deprive thousands of Americans who are disabled and who utilize a ''representative payee'' in order to acquire their benefits of their ability to purchase a firearm. This regulation is both unnecessary and unfair to thousands of law-abiding seniors and citizens who wish to exercise their basic Second Amendment rights.

In December 2016, SSA finalized a rule providing that any American receiving disability benefits due to a ''mental disability'' and who are also receiving assistance in managing their benefits should be labeled ''mentally defective.'' As a result, those who are inappropriately labeled as ''mentally defective'' are mandatorily reported to the National Instant Criminal Background Check System—a federal list of people who are barred from purchasing firearms—as required by the Gun Control Act. This finalized rule unjustly equates persons with disabilities and those who require assistance to manage their benefits to those who are actually ''mentally defective.''

Aside from the fact that this regulation inappropriately equates disabled persons relying on representative payees with those who are ''mentally defective,'' AMAC objects to the way in which this regulation has been implemented. Over the past several years, Americans, particularly seniors, have been at the mercy of executive overreach and mandate. As millions of American seniors rely on SSA for their retirement income, the burden of this regulation has been largely concentrated in our communities. This Joint Resolution is a welcome reprieve to seniors who have had their Second Amendment rights subverted by an administration and agency with significant influence over their retirement income.

As an organization committed to representing the interests of mature Americans and seniors, AMAC is dedicated to ensuring senior citizens' interests are protected. This midnight regulation has placed an undue burden on those requiring assistance to manage their benefits and who suffer from disability. As an organization, we thank Senator Grassley, Chairman Johnson, Congressman Abraham, and their respective staffs for their quick response and steady resolve to protect seniors and those who have been affected by this regulation. We ask Congress to quickly pass this Joint Resolution and restore the basic Second Amendment rights this rule has abridged.

Sincerely,

DAN WEBER,
*President and Founder of AMAC.*

THE ARC,
*Washington, DC, January 30, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Arc of the United States (The Arc) writes to urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security and Supplemental Security Income (SSI) disability beneficiaries who use a representative payee to help manage their benefits, and who have been found eligible by meeting or equaling an SSA mental impairment listing, to the National Instant Criminal Background Check System (NICS).

The Arc is the largest national community-based organization advocating for people with intellectual and developmental disabilities (I/DD) and their families, with over 660 state and local chapters nationwide. The Arc is devoted to promoting and protecting the human and civil rights of people with intellectual and developmental disabilities and has over 60-years of history of advocating for the rights of children and adults with disabilities. The Arc is concerned about the safety of all Americans, including through gun violence. However, The Arc—and many other members of the Consortium for Citizens with Disabilities (CCD)—opposes the rule for a number of reasons, including:

The damaging message that may be sent by an SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage ones Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections when interfering with an individual's constitutional right, prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

The potential for the rule to deter some people with mental impairments from seeking access to the Social Security and SSI disability benefits that they are eligible for, out fear of being added to the NICS or having their privacy violated.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Respectfully Submitted,

MARTY FORD,
*Senior Executive Officer, Public Policy.*

AUTISTIC SELF ADVOCACY NETWORK,
*Washington, DC, January 30, 2017.*
Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Office of the Democratic Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The Autistic Self Advocacy Network (ASAN) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The Autistic Self Advocacy Network is a nationwide 501(c)(3) advocacy organization run by and for autistic people ourselves. ASAN promotes public education and public policies that are aimed at eliminating stigmatizing attitudes and increasing autistic Americans' access to all aspects of the community.

Prior to the issuance of the Final Rule, the Autistic Self Advocacy Network conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process, in addition to joining in public comments as a member of the Consortium of Citizens with Disabilities Rights Task Force. We—and many other disability rights organizations—opposed the rule for a number of reasons, including:

1) The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

2) The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

3) The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to Manage their own affairs.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

SAMANTHA CRANE,
*Director of Public Policy,*
*Autistic Self-Advocacy Network.*

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
*Washington, DC, February 1, 2017.*
House of Representatives,
*Washington, DC.*

DEAR REPRESENTATIVE, You will soon consider a number of resolutions that will disapprove rules offered within the last six months of the Obama Administration, pursuant to the Congressional Review Act. On behalf of the more than one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support the following resolutions:

Rep. Bill Johnson's (R-Ohio) resolution to disapprove the Department of the Interior's (DOI) Stream Protection rule. The rule rewrites more than 400 regulations, while threatening one-third of the nation's coal mining workforce. The rule would also override preferable existing regulations at both the state and federal level.

Rep. Bill Huizenga's (R-Mich.) resolution to disapprove the Securities and Exchange Commission's (SEC) rule, ''Disclosure of Payments by Resource Extraction Issuers.'' The SEC, whose mission is to maintain efficient markets, estimates compliance of the rule could reach $591 million annually. The rule also fails to protect investors and prevents capital formation.

Rep. Sam Johnson's (R-Texas) resolution to disapprove a rule promulgated by the Social Security Administration relating to the National Instant Criminal Background Check System (NICS). This rule misinterprets the NICS Improvements Amendment Act, and it allows disability or Supplemental Security Income beneficiaries to be deemed ''mental defectives'' in NICS without any due process as required by law.

Rep Virginia Foxx's (R-N.C.) resolution to disapprove the so-called ''blacklisting'' rule promulgated by the Department of Defense, General Services Administration, and National Aeronautics and Space Administration. This rule requires employers bidding on federal contracts to disclose both violations and alleged violations of state and federal labor laws for every contract bid, and to update that information every six months during the contract. This rule unnecessarily drives up the cost of projects, violates due process, and puts small business at a disadvantage.

Rep. Rob Bishop's (R-Utah) resolution to disapprove the Bureau of Land Management's (BLM) Venting and Flaring rule. This rule is an example of agency overreach, as BLM lacks the statutory authority to regulate air quality. Further, the rule fails to address BLM's real problem: a backlog of permits for the pipelines, in turn forcing the methane companies to vent and flare gases wastefully.

It is critical that Congress removes as many of the ''midnight regulations'' as possible forced on taxpayers by the previous administration. All votes on these resolutions will be among those considered for CCAGW's 2017 Congressional Ratings.

Sincerely,

TOM SCHATZ.
*President.*

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DISABILITY LAW CENTER,
*Anchorage, AK, January 25, 2017.*
Re: Social Security ''Implementation of the NICS Improvement Amendments Act of 2007''.

Sen. LISA MURKOWSKI,
*Anchorage, Alaska.*
Sen. DAN SULLIVAN,
*Anchorage, Alaska.*
Congressman DON YOUNG,
*Anchorage, Alaska.*

DEAR SENATORS MURKOWSKI AND SULLIVAN, AND CONGRESSMAN YOUNG: This past summer, our office commented on Social Security's propsal to report certain beneficiaries to the federal firearms database. A copy of these comments is attached. Despite those comments, and many others, the agency went ahead with its proposal. 81 Fed. Reg. 91702 (December 19, 2016). According to press reports today, you will soon have before you a joint resolution disapproving these new regulations. This is to urge you carefully to consider, and, if appropriate, pass this joint resolution.

This is not a situation where Congress would be asserting its political will over an agency that carefully analyzed the comments on its proposed regulations and responded to those comments in a thoughtful way. Instead, in its responses to comments, Social Security:

1) Simply failed to take into account that its disability determination process does not purport to decide whether someone is a ''mental defective,'' that Social Security is not the kind of ''court, board, commission, or other lawful authority'' that makes such findings, and that written decisions saying that someone qualifies for benefits typically do not mention whether the person meets or equals the mental Listings, thus omitting information necessary for people to decide whether to appeal. 81 Fed. Reg. at 91703.

2) Relied, repeatedly, for its legal analysis on a DOJ Guidance that has not been published anywhere, let alone published in the Federal Register. 81 Fed. Reg. at 91703, 91704, 91706.

3) Responded to the suggestion that people might not apply for disability benefits they deserved because they would be reported to the database by saying that the reason they were on the database would be kept private, so they would not be ''stigmatized'' or ''embarrassed.'' 81 Fed. Reg. at 91707. It isn't a matter of stigmas or embarrassments. It's a matter of wanting to own a firearm and being discouraged from applying for benefits because you know that if you get benefits you may lose your property.

4) Agreed that the process can assign someone a representative payee even though the person is competent, 81 Fed. Reg. at 91709–10, but did not see that this fact ought to keep that person from going onto the federal firearms database; and

5) Completely failed to analyze whether putting someone on the database restricts Alaskan subsistence activities as protected by ANILCA.

This is agency decisionmaking that is, for want of a better word, wrong. It deserves to be analyzed and rejected under the Congressional Review Act.

Mr. SAM JOHNSON of Texas. Mr. Speaker, as the ACLU said: ''We oppose this rule because it advances and reinforces the harmful stereotype that people with mental disabilities, a vast and diverse group of citizens, are violent. There is no data to support a connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.''

Mr. Speaker, we must act today to protect the rights of individuals with disabilities.

Mr. Speaker, I urge the adoption of H.J. Res. 40, and I yield back the balance of my time.

Mr. HOYER. Mr. Speaker, I have always been a strong ally of the disability community and have paid close attention to the concerns many have had with this rule.

I'm proud to have been the lead sponsor of the Americans with Disabilities Act in 1990,

which opened doors of independence, access, opportunity, and equity for millions of Americans with differing abilities.

In Congress, Democrats have put forward commonsense gun safety laws that would prevent violent and dangerous individuals with mental disabilities from purchasing firearms. However, the Republican-led Congress would not allow even a vote on such legislation.

President Obama took a series of limited steps within his authority, one of which was this rule, whose aim has been to prevent those who shouldn't have guns from obtaining them. I believe that, absent action from Congress to enhance our background check system, this rule represents an imperfect but necessary step.

It is imperfect because it stigmatizes the disability community unfairly and needs a stronger appeals process to protect the rights of those who fall under its purview. I disagree with the premise that having a mental disability that precludes independent management of one's finances correlates with a heightened risk of violence. I have read the rule and recognize that it was written in a narrow way so that it applies only to those with severe mental illnesses.

I've had many discussions over the past several days with leaders in the disability community. I've grappled with the very difficult questions this resolution poses and ultimately decided that, given these circumstances, the best step right now is to oppose this resolution.

I look forward to working closely with the disability community and gun safety advocates to push for Congress to take up legislation that keeps all Americans safe from gun violence while protecting the rights of those with differing abilities.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in strong opposition to this misguided resolution that will only imperil the lives of more Americans.

In 2007, this body passed the National Instant Criminal Background Check System Improvement bill with a unanimous voice vote.

We all agreed that the background check system needed better information, especially after dangerous individuals slipped through the cracks and were able to purchase guns they never should have been allowed to buy in the first place.

Like Jared Loughner, who killed six people in Arizona who were at a grocery store to meet our colleague Gabby Giffords.

He passed background checks even though he had a history of drug use and disturbing behavior that should have been in the system.

So the Obama Administration, at Congress's direction wrote this rule to make sure that federal mental health records make their way into the background check system, so that it can effectively deny purchases to individuals who are already prohibited from buying guns.

And let's be clear about what we're talking about.

This rule only affects those with very severe, long-term mental disorders, and who have been identified by doctors and psychologists as severely mentally disabled.

It does not paint disability recipients with a broad brush.

8.8 million Americans receive Social Security disability benefits, yet SSA estimates only 75,000 would meet the criteria under this rule.

That is less than one percent.

Let's also be clear: this resolution is an attempt to hamstring our federal agencies and to keep them from improving the background check system.

Rather than work with a new administrator to improve the rule, the Majority would rather have no rule at all because this bill not only repeals this background check improvement rule, it also prohibits the federal government from issuing a similar rule in the future.

We've got it backwards. We shouldn't be repealing gun safety rules, we should be strengthening them. Gun violence is an epidemic in this country and we have done literally nothing in Congress about it since Republicans took the majority in the House in 2011.

I urge my colleagues to oppose this bill.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I strongly oppose this bill that uses dangerous procedure to advance dangerous policy to erode our important firearms background check system and undermine public safety.

In response to the tragic mass shooting at Virginia Tech, the National Instant Criminal Background Check System Improvement Amendment Act was passed by Congress unanimously and signed into law by President Bush because everyone agreed that we need federal and State agencies to submit relevant information to maintain an accurate, effective system.

This bill directly undermines public safety by permanently blocking a federal agency from submitting records to this critical safeguard system.

I know the high cost of gun violence on families and communities. I know that policy makers have an obligation to address public safety carefully and responsibly. Reasonable people can disagree about whether the rule by the Social Security Administration struck the right balance between the threshold and process reporting to the background system. While opponents have raised some concerns about whether there is sufficient due process in this rule, the solution is not to block the rule entirely. Rather, the solution is to fix it.

Therefore, I oppose this CRA because it would permanently prohibit the Social Security Administration from ever reporting individuals to this critical safety system, which is an extreme, dangerous, irresponsible, and irreversible action that threatens the safety of our communities.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 71, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

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

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

A recorded vote was ordered.

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

## DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. CHAFFETZ. Mr. Speaker, pursuant to House Resolution 74, I call up the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 74, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 37

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 37.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of the resolution.

During the past 8 years, the number of newly issued regulations and the costs of those regulations have surged. By the prior administration's own estimates, Federal regulations promulgated over the last 10 years alone have imposed a cost of more than $100 billion annually on American taxpayers.

H.J. Res. 37, which we are considering today under the Congressional Review Act procedures, represents an important step toward rolling back this tsunami of rules. Once a CRA resolution of disapproval for a rule is enacted, agencies cannot reissue the rule or any substantially similar rules in the future.

H.J. Res. 37 revokes the Fair Pay and Safe Workplaces rule, otherwise known as the blacklisting rule.

I want to thank Chairwoman FOXX for her leadership on this resolution of

disapproval. I also want to recognize my fellow original cosponsors, Mr. CHABOT and Mr. MITCHELL, for their leadership on this issue as well.

I want to highlight the impact of this rule on the Federal acquisition system as well as contractors. This rule requires Federal contractors to report violations and alleged violations of 14 Federal labor laws and undefined equivalent State labor laws for the previous 3 years. Contractors must collect and report this information every time they submit a proposal for a contract and then every 6 months during the contract performance. Then Federal contract officers consult with their agency's newly created agency labor compliance adviser before determining if a contractor is eligible for a contract award.

There are a number of reasons this rule should be revoked. The Federal acquisition system is already a very complex, inefficient system. This contractor blacklisting rule is exactly the type of requirement an already complex Federal acquisition system does not need. The rule adds another contractor clause to an increasingly long list of clauses in every Federal contract. It slows down a process that already has trouble delivering goods and services in a timely manner. It increases the burden on Federal contract officers who have to review and assess the significant volume of information and take on the role of labor law experts.

The rule imposes significant costs on contractors, which means the government, which ultimately means the taxpayers. The rule itself is estimated to cost contractors and subcontractors more than $458 million in the first year and $413 million in the second year of its implementation. Some experts believe the government underestimated these costs.

The cost to establish a new information collection, reporting, and assessment system to comply with the rule would be prohibitively expensive for most contractors, especially the small contractors. Mr. Speaker, this is where the rubber meets the road. It is these small contractors.

In fiscal year 2016, the Federal Government spent more than $470 billion contracting for goods and services. We need to be looking for ways to reduce, not increase, spending in this area.

The rule discourages competition and reduces access to innovation. The last thing we need to do for the Federal acquisition system is to discourage competition and innovation, particularly for first time participants who want to join the Federal marketplace. There are already so many barriers to entry, particularly for these small businesses. So think about the small business at home. They want to compete for these Federal contractors. They may be a very small organization.

Even after we pass the resolution of disapproval, there are still rules, there are still laws, and there are still a lot of burdens that they have to deal with. But I want to cite some Bloomberg data about the number of first time Federal vendors. We have fallen to a 10-year low—down 24 percent in 2007 to only 13 percent in 2016.

What that means is the big are probably getting bigger, but the small guy, the mom, the pop, and the woman who is starting a new business and wants to compete for these Federal contracts don't have a fighting chance. For the Federal Government to put more burdens on there, especially things that haven't been substantiated, is just not fair, and it is just not right.

□ 1445

The rule duplicates existing labor enforcement mechanisms to hold contractors accountable and, therefore, I believe, is not necessary.

Revoking this rule will not leave Federal contractors free to violate labor laws. To the contrary, the Department of Labor has significant oversight and investigation resources to enforce the Federal labor law.

Further, if there is a bad-apple contractor not complying with the law, contract officers already have the authority to refer contractors for suspension and disbarment.

This rule raises due process and First Amendment concerns. One of the most disturbing parts of the rule is that contractors would be required to report alleged violations—not confirmed—just the alleged violations of the 14 Federal labor laws, and the undefined equivalent of State labor laws.

It deprives contractors of their legal rights to challenge such allegations. The reporting requirement covers nonfinal administrative merits determinations without regard to the severity of the alleged violation.

Contractors would have to disclose National Labor Relations Board complaints, OSHA citations, EEOC nonfinal letters of determination, even though these cases have not been adjudicated and the record is incomplete.

Contractors challenged this rule in Federal Court, and the judge, in granting a preliminary injunction for the rule, found this reporting requirement could also impact contractors' First Amendment rights. The judge said that the rule could result in compelled speech by requiring contractors to report allegations that would cause a reputational harm, particularly if after adjudication the allegation is found to be without merit.

This rule increases costs, complexity, and reduces competition in the Federal acquisition system. We are having trouble getting new entrants in to compete as contractors, and, therefore, I urge the support of the passage of H.J. Res. 37.

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

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

Mr. Speaker, I rise in strong opposition to this resolution which would disapprove of the Fair Pay and Safe Workplaces rule that was finalized in August of 2016.

The Federal Acquisition Regulation requires Federal contractors to be ''responsible,'' to have a satisfactory record of integrity, and business ethics.

The Fair Pay and Safe Workplaces rule would require Federal contractors to self-report on violations of 14 fundamental Federal labor and nondiscrimination laws.

This includes laws like the Occupational Safety and Health Act, or OSHA; the Fair Labor Standards Act; the Family and Medical Leave Act; and the Civil Rights Act.

These Federal laws apply to all businesses in the United States, and a vast majority of Federal contractors comply with them as well. Unfortunately, studies by the GAO, the Center for American Progress, and others show that there are a few bad apples that consistently violate these fundamental Federal labor laws, yet continue to be awarded Federal contracts.

That is just plain wrong. Americans' tax dollars should not go to contractors who persistently and willfully violate such laws.

It also puts contractors who do obey the law at an unfair disadvantage because they willingly bear the cost of compliance to provide safe and fair workplaces.

The Fair Pay and Safe Workplaces rule would also improve the effectiveness and efficiency of the Federal acquisition process by promoting healthy and productive workplaces.

As the final rule notes, ''Contractors that consistently adhere to labor laws are more likely to have workplace practices that enhance productivity and increase the likelihood of timely, predictable, and satisfactory delivery of goods and services.''

This rule should be a win-win. It helps the Federal Government ensure compliance with fundamental labor and nondiscrimination laws and, at the same time, improve the efficiency of the Federal contracting process.

I urge our Members to vote ''no'' on this ill-conceived disapproval resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. BOBBY SCOTT), the ranking member of the Committee on Education and the Workforce, be allowed to control the time on this side.

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

There was no objection.

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

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from North Carolina (Ms. FOXX), the lead sponsor of the joint resolution and the chair of the committee.

Ms. FOXX. Mr. Speaker, I thank the chairman of the Oversight and Government Reform Committee for yielding time.

Mr. Speaker, we are here today to stand up for workers, taxpayers, and small businesses.

We all agree employers who do business with the Federal Government should be held to high standards, and their employees deserve strong protections. That is why for decades the Federal Government has had a system in place to deny contracts to employers who violate Federal labor laws.

Time and again, Republicans in Congress urged the Obama administration to enforce the current system to ensure workers receive fair pay and safe workplaces.

Instead, the previous administration did the exact opposite. It went in search of a problem that doesn't exist. It took its eye off the ball, and we are here today to demand better.

The Obama blacklisting rule empowers government agencies to deny employers Federal contracts for alleged violations of various Federal labor laws and similar State laws. That is right. Under this rule, bureaucrats can determine employers are guilty until proven innocent, and then deny them the ability to do business with the Federal Government.

This is one important reason why a Federal district judge recently blocked implementation of the rule because it would have a chilling effect on the due process rights of American citizens. But that is not the only reason why we are here today. Rather than streamline the procurement process to better protect taxpayers and workers, the Obama administration added new layers of red tape on to a system plagued by delays and inefficiencies. Simply put, this rule is a bureaucratic nightmare. It turns our already complex Federal procurement process into a convoluted regulatory maze.

Despite what our Democrat colleagues will claim, this rule will actually hurt workers by making a system designed for their protection less efficient. Law-abiding small-business owners, the backbone of our Nation's economy, will be less inclined to bid on Federal contracts.

As a result, we will see less competition in the Federal contracting process. With less competition, hardworking taxpayers will be forced to pay more for goods and services provided to the U.S. Government.

Perhaps most concerning is the threat this rule poses to our national security. Higher costs and a delayed contracting process will jeopardize the resources our Armed Services depend on to keep our Nation safe. With men and women currently stationed in harm's way, this is simply unacceptable.

If workers, taxpayers, and small businesses stand to lose, then who stands to gain?

The answer is Big Labor. Union leaders often file frivolous legal complaints to gain leverage against employers. This is just one more partisan rule that stacks the deck in favor of union leaders.

The facts are clear: this rule is fatally flawed. It is not in the best interest of workers, small-business owners, our military or hardworking taxpayers. It is also unnecessary, but you don't have to take my word for it.

Last October, our colleagues in the Congressional Progressive Caucus—Representatives KEITH ELLISON and RAÚL GRIJALVA said: ''The Department of Labor has full authority under current law to hold Federal contractors accountable.''

I could not agree more. In fact, that is what Republicans have been saying all along.

I urge my colleagues to stand up for workers, small-business owners, taxpayers, and our national security by supporting this commonsense resolution. Then let's work together to ensure existing policies are enforced and workers have the protections they deserve.

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Ms. FOXX) be permitted to control the remainder of my time.

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

There was no objection.

Ms. FOXX. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Before I address the disapproval resolution, I just want to acknowledge the important role Federal contractors have in meeting the needs of the Federal Government. Employment and critical services in many districts, including my own, are heavily reliant on Federal contractors, including those who serve a critical role for our Nation, supporting the needs of the military, the Coast Guard, Homeland Security, and many others.

That said, it is imperative that contractors are bidding on a level playing field when they compete for contracts. Unfortunately, this resolution would effectively reward contractors who cut corners, endanger the rights of their workers, and, studies show, compromise quality.

Although most Federal contractors obey labor laws, studies by the GAO, the Senate HELP Committee, and others document that Federal contractors with histories of serious, willful, and repeated violations of labor employment and nondiscrimination laws continue to be rewarded with Federal contracts.

For context, it is important to know that contracting rules already require agencies to determine whether or not a prospective contractor is responsible before awarding a contract. Amongst the criteria considered is whether or not the contractor has ''a satisfactory record of integrity and business ethics,'' and ''a satisfactory performance record.''

As previous speakers have noted, violations can already be considered. However, contracting officers don't have access to a list of those violations until this rule is issued, nor are contracting officers required to review a bidder's labor violations history.

The rule implementing the executive order on Fair Pay and Safe Workplaces does not add any extra layers of review. Rather, it would fill that data gap by requiring contractors to disclose whether they have violations of 14 longstanding labor laws, including the Fair Labor Standards Act, OSHA, Vietnam Era Veterans Readjustment Assistance Act, and nondiscrimination laws.

It only applies to contracts over $500,000, so we are not talking about mom-and-pop operations. But if listing those violations of fair pay and safe workplace laws constitutes an administrative burden, more the reason to make them be listed.

They are to be disclosed. And although we have heard about allegations, and although some violations may not be final, the only thing that has to be disclosed are those violations for which there has been an agency determination. That is, an allegation is made, it is investigated, and the company has been found to be in violation. It may be on appeal or whatnot, but there has at least been an agency determination of guilt.

The rule requires contracting officers to focus on whether such violations are serious, repeated, willful or pervasive. The rule helps bring those contractors with a history of violations into compliance by way of labor compliance agreements so they can continue to be considered for contracting opportunities while they improve their records.

Some have mislabeled this rule as the ''blacklisting rule,'' but this suggestion and characterization ignores the rules' meaningful compliance provision. The reality is that this rule would, according to the nonpartisan Congressional Research Service, encourage agency contract officials to push bidders with serious labor law violations ''to enter into labor compliance agreements'' rather than to disbar or suspend them.

I want to point out that a coalition of 20,000 construction contractors submitted testimony to the Small Business Committee where they wrote: ''Employers—primes and subs have more rights, remedies and redress for non-responsibility determinations based on lack of integrity or business ethics under the executive order than the current Federal Acquisition Regulation procedures specifically provide.''

Now, this testimony suggests that the rules are far more contractor-friendly than the detractors have characterized.

It would be premature to dismantle this rule because it hasn't even been put into effect because it has been under a court injunction. Further, repealing the rule under the CRA would bar future consideration of substantially similar rules unless Congress enacts subsequent enabling legislation.

So the bottom line is that there are winners and there are losers if this legislation passes. The winners, if this legislation passes, would be companies who willfully, and repeatedly, and pervasively violate labor laws. The winners would be the contractors who cut corners and gain an unfair competitive advantage over law-abiding contractors.

□ 1500

The losers will be workers who are employed by Federal contractors. They will be more susceptible to wage theft, unfair working conditions, and unsafe workplaces run by unscrupulous contractors. Losers will be the law-abiding contractors who lose contracts because they abide by the laws protecting their workers.

This is why the Fair Pay and Safe Workplaces rule enjoys support from a widespread number of businesses, veterans, civil rights, and labor organizations from the Easterseals to Paralyzed Veterans of America, to the Leadership Conference on Civil Rights and the International Brotherhood of Teamsters. That is why I oppose this legislation.

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

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), the chair of the Committee on Small Business.

Mr. CHABOT. Mr. Speaker, I rise today in strong support of H.J. Res. 37. I want to commend my colleague from North Carolina (Ms. FOXX) for her leadership in sponsoring this measure. I am proud to be a cosponsor.

The blacklisting rule is a textbook example of executive overreach that became standard operating procedure during the previous administration. Instead of using the existing suspension and debarment system to deal with bad actors, the Obama administration imposed an unnecessary regulation that placed significant burdens on all Federal contractors, even though they admitted that ''the vast majority of Federal contractors play by the rules.''

This kind of action—failing to enforce existing rules and then imposing a burdensome, redundant regulatory scheme—is exactly what frustrates the American people about Washington. We all want bad actors to be held accountable, but this rule is unnecessary red tape that punishes everyone for the actions of a few.

As chairman of the Committee on Small Business, I am concerned that we already have 100,000 fewer small businesses doing business with the Federal Government than we did back in 2012. So in the second term of the Obama administration, we lost 100,000 small businesses doing business with the Federal Government across the country. That means we have less competition, and that is bad for job creators and it is bad for taxpayers alike because, when there is less competition, we pay more, so the tax dollars that we send here to Washington are not used as efficiently as they ought to be.

The Committee on Small Business held several hearings and roundtables on this rule over the last 2 years, heard directly from small businesses, and examined the Obama administration's rule very closely. What we found was quite alarming.

The blacklisting rule would force innocent small businesses to settle unproven claims, disclose commercially sensitive information to their competitors, and report information the Federal Government already has. So we are going through this whole process, and the Federal Government has already got it; but they are not competent enough to use what they have already got, so they want to put it on the contractor to do even more. It makes no sense.

Ultimately, this rule will result in small businesses being blacklisted from participating in Federal contracting based on accusations—just accusations—where they may ultimately be found innocent. They didn't do anything wrong, yet they are barred from doing business with the government. Again, it makes no sense.

I urge my colleagues to support H.J. Res. 37. Passage of this joint resolution will undo a duplicative and unnecessary regulation that harms small business, hurts competition, and prevents taxpayers from getting the best bang for their buck.

I again want to thank the chairwoman for her leadership in pushing this forward. I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to congressional Republicans' attempt to repeal Fair Pay and Safe Workplaces protections for Federal contract workers.

We all know President Trump is no fan of transparency. He has steadfastly refused to disclose his own tax returns, so it is no surprise that he and the Republicans would oppose disclosure of labor, employment, civil rights, and nondiscrimination law violations by bidders for Federal contracts.

What I really don't understand is why Members of Congress would ask American taxpayers to subsidize companies that routinely violate our labor laws. Voting for this resolution actually rewards companies that discriminate, stiff their employees on pay, or cut corners on safety, and it puts responsible businesses that play by the rules at a disadvantage.

This resolution harms women. Women make up the majority of low-wage workers. Fair Pay and Safe Workplaces protections ensure that our tax dollars do not support sexual harassment and sex discrimination on the job, regular occurrences especially for low-wage working women.

This resolution harms veterans, including disabled veterans. Repeal means that we won't know whether a contract bidder routinely violates section 503 of the Rehabilitation Act, which Paralyzed Veterans of America, Disabled American Veterans, and Vets First say is ''necessary to prevent discrimination in the workplace and during the hiring process.''

This resolution also harms older workers. To quote AARP: '' . . . age discrimination in the workplace persists as a serious and pervasive problem. The Fair Pay and Safe Workplaces Executive Order is the first executive order since 1964 addressing the obligation of those who receive federal contracts not to discriminate on the basis of age.''

If you don't want your taxpayer dollars to be used to undermine Fair Pay and Safe Workplaces protections, then all Members should oppose this resolution.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to our distinguished colleague from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.J. Res. 37. I am proud to join Chairwoman FOXX and Chairmen CHAFFETZ and CHABOT as an original cosponsor.

H.J. Res. 37 would void the Fair Pay and Safe Workplaces rule, commonly known as the blacklisting rule. The blacklisting rule is an additional layer of Federal bureaucracy that crushes the ability of small and midsize companies to compete for Federal contracts and adversely impacts timing and efficient procurement while massively increasing costs.

The blacklisting rule requires Federal contractors to report violations, including alleged violations of 14 Federal labor laws and equivalent State laws, over the previous 3 years. Contractors have to collect that information from all of their subcontractors, and they are liable for that information, placing a huge administrative burden on those contractors. Also, not only when they bid for the contract, but every 6 months, they must renew that information.

Federal contract officers—by the way, there are over 37,000 of them, an amazing number—would then be required to consult with newly created labor compliance advisers. Yes, it creates more bureaucrats.

The final rule, itself, estimates costs for contractors and subcontractors of more than $458 million in the first year—a half a billion dollars—and more than $413 million in the second year. Amazing costs. This compliance cost is catastrophic for small and midsize businesses.

Those who deny workers basic protections are already protected by the suspension and debarment process. The blacklisting rule is simply another bureaucratic hoop. In 2015, nearly 1,000 suspensions and 2,000 debarments were undertaken. Put simply, the suspension and debarment system has worked to protect workers and government.

Moreover, the rule requires contractors and subcontractors to report on alleged labor law violations and violations that have not been fully adjudicated. A business could be deemed ineligible for a Federal contract, or blacklisted, because the contractor reported alleged labor law violations while still exercising their legal right to pursue adjudication. That is antithetical to our Constitution.

H.J. Res. 37 will remove a regulation that raises serious due process concerns, duplicates existing enforcement mechanisms, increases the cost of Federal contracting, and expands the Federal bureaucracy.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the vice ranking member of the Committee on Education and the Workforce.

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.J. Res. 37.

President Obama's Fair Pay and Safe Workplaces rule reinforces employment protections and laws that help veterans, individuals with disabilities, older Americans, minorities, and LGBTQ workers. It protects workers in our country so they receive a fair day's pay for a fair day's work.

This rule was passed in response to discovering that billions of taxpayer dollars went to companies that violated Federal workplace laws. A contractor who cheats workers out of their pay, endangers their safety at work, or engages in discriminatory practices should be required at least to disclose this information when bidding for Federal contracts. Taxpayer dollars should not support the exploitation of workers. That is just common sense.

The resolution before us would also remove critical protections for workers that allow them to access our judicial system. The Fair Pay and Safe Workplaces rule bans forced arbitration in workplace discrimination and sexual assault cases for contracts of $1 million or greater, a policy already in place at the Department of Defense that was enacted with broad bipartisan support in 2010. Workers deserve the opportunity to have their day in court to seek justice for their sexual assault and discrimination claims.

I oppose this resolution to disapprove of these protections because it gives serial law violators a free pass at the cost of workers' safety, and it disadvantages the law-abiding contractors in Oregon and across the country who follow our Nation's laws.

H.J. Res. 37 before us today would reward unlawful and discriminatory conduct. I urge my colleagues to oppose it.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. WALBERG. Mr. Speaker, I thank the gentlewoman for yielding and for introducing this legislation and sponsoring it. I rise today in support of H.J. Res. 37.

We all agree that bad actors who deny workers basic protections and violate the Fair Labor Standards Act should not be rewarded with government contracts funded by taxpayer dollars. However, the Department of Labor's rule effectively blacklists Federal contractors for alleged violations and would require contractors to defend themselves against these allegations without being entitled to a formal hearing.

The Federal District Court has already ruled that the Department of Labor rule violates contractors' due process rights. Additionally, this rule is unnecessary because the Department of Labor already has significant oversight and investigation capabilities to assess contractor compliance with Federal labor laws.

This rule supersedes agencies' existing authority to hold contractors accountable under the current suspension and disbarment system. My question is why don't they use it?

Misguided regulatory policies, like the blacklisting rule, don't stop bad actors, but they do end up adding new layers of redundant bureaucratic red tape, harming employers and older workers, disabled workers, female workers, minority workers, and workers, in general, alike.

I urge my colleagues to support the resolution of disapproval and roll back this duplicative and unnecessary rule.

Mr. SCOTT of Virginia. Mr. Speaker, can you advise both sides how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 17½ minutes remaining. The gentlewoman from North Carolina has 12½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. NORCROSS), a member of the Committee on Education and the Workforce.

Mr. NORCROSS. Mr. Speaker, I include in the RECORD two letters from organizations that have long led the fight for workers' rights: the AFL–CIO and the International Brotherhood of Teamsters.

AFL–CIO,
*February 1, 2017.*

DEAR REPRESENTATIVE: The AFL–CIO urges you to oppose the Congressional Review Act resolution of disapproval of the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay and Safe Workplaces regulations implement the common-sense proposition that companies wanting to receive lucrative taxpayer-funded government contracts should comply with the law and respect workers' rights. The Executive Order and implementing regulations establish a process for reviewing the records of companies bidding for federal business and ensuring that companies that receive this business comply with the law and respect workers' rights. The regulations improve the contracting process and establish more fairness, so that companies that respect workers' rights do not have a competitive disadvantage when competing against companies that cheat by misclassifying their workers as independent contractors, ignoring health and safety hazards, or engaging in wage theft. Repealing these regulations will remove an important incentive for companies to pay their workers what they are due, protect their health and safety, and comply with the law.

The regulations are needed because the current procurement system does an inadequate job screening prospective contractors and their compliance (or non-compliance) with the law. According to the U.S. Government Accountability Office, federal contracts have been awarded to companies with significant records of violating wage and hour, health and safety, and other worker protection laws. A report by the Committee on Health, Education, Labor and Pensions similarly found that the government regularly awards federal contracts to companies with significant violations of worker protection laws.

Wiping out these regulations using the Congressional Review Act is a draconian and unnecessary act. If Congress adopts this resolution, agencies will be forever barred from adopting similar regulations in the future. This is overkill. If Congress has concerns about aspects of the regulations, it can work with the Trump Administration to modify those provisions through the regular rulemaking process. Congress should not use the blunt instrument of the CRA to wipe out the rules and prevent their adoption in the future.

Sincerely,
WILLIAM SAMUEL, *Director.*
*Government Affairs Department.*

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[From the International Brotherhood of Teamsters, Feb. 2, 2017]

ROLL BACK OF 'FAIR AND SAFE WORKPLACES' WILL HURT WORKERS, REWARD BAD ACTORS

HOFFA STATEMENT OF LEGISLATION AIMED AT RESCINDING EXECUTIVE ORDER

WASHINGTON.—The following is a statement from Teamsters General President James P. Hoffa on the House of Representative's consideration of legislation later today that would roll back the Fair Pay and Safe Workplaces executive order issued by President Obama in 2014 and instituted last year.

''Federal government contractors receive taxpayer dollars to provide a service or product. And as part of that agreement, they should be expected to follow the law when it comes to the workplace and their employees. When they don't, they hurt working families, they gain unfair advantage over companies that play by the rules, and they should be held accountable for their actions.

''That's what the Fair Pay and Safe Workplaces executive order that took effect last August ensures. There is nothing controversial about it. Lawmakers should want workers to receive the paychecks they earn, be safe on the job and not be discriminated against.

''Taxpayer money should not be handed to companies that blatantly violate labor and workplace laws. If elected representatives are as truly interested in standing up for workers as they claim, they will stop efforts to overturn rules that protect employee pay and ensure workers can provide for their families.''

Founded in 1903, the International Brotherhood of Teamsters represents 1.4 million hardworking men and women throughout the United States, Canada and Puerto Rico.

Mr. NORCROSS. Mr. Speaker, before entering public office, I was an electrician. I used to work on top of bridges doing very dangerous work. Imagine climbing 150 feet up over

water. But over the course of that career, three times, there were gentlemen I worked with who never went home, never clocked out, never went home to see their wife or their children.

Every day, 13 Americans are killed on the job; they didn't go home to see their wife, their children, their husband. Sometimes accidents are unavoidable, but many, many times they aren't, and that is what we are talking about here.

□ 1515

The rule doesn't talk about hurting companies. We are talking about basic information, the same information that everybody in this room would ask if they were building an addition on their house. You would want to know, if you were spending $10,000, whether or not that contractor had any violations, did he finish the job, were people killed on the job. But when we are spending $81 billion of the American taxpayer, somehow we don't want to know that. If you go for a loan, they want to know what your background is, even if you had given it ten times before. If you are going to college, they certainly want to know your background.

So what we are talking about here is simple transparency. It is not just about workplace safety. It is about giving a free pass for something that they did wrong. Let me repeat that. Something that contractors did wrong. If they did nothing wrong, they have nothing to fear. That is why I stand in opposition to this rule.

When I vote against this legislation, I want everybody in this room to think about 13 men and women who aren't going home tonight, who wouldn't have to tell anybody that they were killed on their jobs.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE), my distinguished colleague.

Mr. BYRNE. Mr. Speaker, I appreciate the chairwoman for yielding, and for her leadership on our committee.

I rise today to offer my strong support for H.J. Res. 37. This legislation is about protecting our Nation's workers, small businesses, and taxpayers.

As a former labor and employment attorney, I have seen the maze that businesses must jump through in order to become a Federal contractor. Well, this rule would only make things that much harder for them.

This regulation, due to the price of compliance, could force small- and medium-sized businesses, who can't afford to hire a massive legal team, out of being able to get contracts with the Federal Government.

This rule will add subjectivity to the Federal procurement process and deprive contractors of due process rights. As an attorney, I take that threat very seriously.

We should be in the business of supporting policies to make it easier for these kinds of businesses to get new work, not harder.

Now, Mr. Speaker, I know my colleagues on the other side say this is just about punishing bad actors. But this rule would require Federal contractors to disclose even alleged violations of wrongdoing, regardless of whether or not there is any credibility to the claims. Right now, there are effective policies in place to prevent bad actors and contractors that break the law from receiving government contracts.

This could be especially damaging for employers who are the target of union organizing campaigns, or in a situation where a competitor files a claim in an effort to gain a competitive advantage. It elevates the risk of frivolous complaints and the loss of business.

Instead of muddying the water and making it harder for our Nation's small- and medium-sized businesses, let's use the current framework, not a new burdensome regulation, to enforce the law and hold any bad actors accountable.

I hope my colleagues will join me in supporting this resolution to block an overreaching and counterproductive rule.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member on the Subcommittee on Workforce Protections.

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise today in opposition to overturning the Fair Pay and Safe Workplaces rule under the Congressional Review Act. Undoing this rule would once again allow unethical Federal contractors to collect billions of dollars from taxpayers while stealing from, endangering, and discriminating against their employees.

Right outside this building, on January 20, President Trump promised to give power back to the people and empower everyday Americans. I do not understand how allowing Federal contractors to hide records of wage theft, safety violations, and discrimination keeps that promise.

I am particularly concerned with what repealing this rule will mean for our Nation's veterans. Because Federal contractors are encouraged to employ the men and women who have served, they will be greatly affected if we let companies off the hook for repeatedly violating workplace laws.

In addition, President Obama's executive order helps to guarantee that Federal contractors comply with longstanding law that protects veterans and people with disabilities from discrimination in the workplace. It also encourages contractors to recruit, hire, promote, and retain these individuals.

This is why the Paralyzed Veterans of America wrote a letter to the Speaker and minority leader asking that they oppose this resolution to ensure fair and safe working conditions for our veterans. PVA was also joined in a separate letter by Vietnam Veterans of America and disability advocates, including Easterseals, the American Association of People with Disabilities, and dozens more opposing the resolution we are debating today.

Mr. Speaker, I include in the RECORD both letters.

PARALYZED VETERANS OF AMERICA,
*Washington, DC, January 30, 2017.*

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

Hon. NANCY PELOSI,
*Democratic Leader, House of Representatives, Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: Paralyzed Veterans of America urges you to reject a Congressional Review Act (CRA) disapproval resolution of the 2016 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities. PVA is the nation's only Congressionally-chartered veterans' service organization solely dedicated to representing veterans with spinal cord injuries and/or diseases.

Disapproving this rule will weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers. The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies that want to do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please ensure that veterans and other individuals with disabilities are not denied fair and equal employment opportunities by voting against the CRA resolution of disapproval of the Federal Acquisition Regulation published at 81 Fed. Reg. 58562.

Thank you for your consideration.

Sincerely,

CARL BLAKE,
*Associate Executive Director.*

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CONSORTIUM FOR CITIZENS WITH DISABILITIES,
*February 1, 2017.*

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

Hon. NANCY PELOSI,
*Democratic Leader, House of Representatives, Washington, DC.*

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The undersigned members of the Consortium for Citizens with Disabilities (CCD) and our allies urge you to reject a Congressional Review Act (CRA) disapproval resolution of the 2016 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities.

CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Disapproving this rule would weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers. The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies that want to do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please help ensure individuals with disabilities and veterans have a fair shot at employment by voting against the CRA resolution of disapproval of the Federal Acquisition Regulation published at 81 Fed. Reg. 58562.

Thank you for your consideration.

Sincerely,

American Association of People with Disabilities, American Foundation for the Blind, Association of University Centers on Disabilities (AUCD), Autistic Self Advocacy Network, Bazelon Center for Mental Health Law, Center for Public Representation, Disability Power & Pride, Easterseals, Goodwill Industries International, Institute for Educational Leadership, National Association of State Head Injury Administrators, The National Council on Independent Living, National Disability Rights Network, National Down Syndrome Congress, Special Needs Alliance, Paralyzed Veterans of America, The Advocrat Group, The Arc of the United States, United Cerebral Palsy, United Spinal Association, Vietnam Veterans of America [VVA].

Mr. TAKANO. Mr. Speaker, the Federal Government, which spends billions of dollars contracting with private companies every year, has an obligation to demonstrate and promote responsible behavior. We should not be in the business of working with contractors who repeatedly violate our Nation's labor laws, particularly when they harm the veterans who have served our Nation so bravely.

Repealing this rule sends the wrong message to employers, the wrong message to veterans, and the wrong message to hardworking Americans who deserve to be treated with respect in the workplace.

Ms. FOXX. Mr. Speaker, I include in the RECORD a list of organizations supporting this disapproval resolution.

LETTERS IN SUPPORT OF H.J. RES. 37

Society for Human Resource Management (SHRM).

Other Stakeholders (19 signatories): Aerospace Industries Association, American Council of Engineering Companies, American Foundry Society, American Hotel & Lodging Association, American Trucking Association, Associated Builders and Contractors, Inc., Associated General Contractors, College and University Professional Association for Human Resources (CUPA–HR), HR Policy Association, Independent Electrical Contractors, Information Technology Alliance for the Public Sector, International Foodservice Distributors Association, National Association of Manufacturers, National Defense Industrial Association, Professional Services Council, Society for Human Resource Management, The Coalition for Government Procurement, U.S Chamber of Commerce, WorldatWork.

Ms. FOXX. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ESPAILLAT), a member of the Committee on Education and the Workforce.

Mr. ESPAILLAT. Mr. Speaker, I would like to thank my colleague and ranking member of the Education and the Workforce Committee, Mr. SCOTT, for yielding.

I stand here in opposition to this resolution, which looks to undo rules that provide safety and fairness in the workplace.

The Fair Pay and Safe Workplaces rule speaks for itself. It ensures that contractors entrusted with taxpayer dollars cannot exploit their workers and that repeated lawbreakers do not get a competitive advantage. This standard does not impose extra regulations on contractors. It simply requires that they follow the law.

These laws make sure women are paid the same wages for the same work. They make sure that employers are paying a fair rate for overtime work. They protect employees with disabilities. And they protect workers who are victims of sexual assault or sexual harassment by ensuring those individuals have an opportunity to be heard.

A 2013 Senate report found that government contractors are often among the worst violators of the workplace safety, wage, and hour laws. Nearly one in three companies with the worst safety and wage violations are Federal contractors. Americans working for Federal contractors lose up to $2.5 billion each year to violations of minimum wage laws alone. This is unacceptable and exactly why this order was executed—to protect workers.

We have a duty to our constituents, and this rule rightfully asks the Federal Government to take another look at contractors who have violated labor laws before awarding a contract. By upholding this order, we can continue to ensure that taxpayers get a fair deal for their money, something my Republican colleagues certainly should be in favor of.

Some Republicans will claim that this order creates a so-called blacklist by preventing companies from receiving Federal contracts. However, the opposite is true. The order, in fact, provides new tools for contractors to come into compliance with the law. This order is in the interest of the people and our constituents who we were sent here to represent. Rolling back these protections would demonstrate that we would rather side with employers who cut legal corners by not paying a fair wage than with our constituents who work day in and day out to provide for their families.

Not only will rescinding this rule hurt our constituents, but it would also hurt law-abiding companies by forcing them into unfair competition with companies that cut corners and knowingly violate the law. As we look to invest in our country's infrastructure, I cannot think of a more important time to ensure that employees working for Federal contractors are treated fairly. This rule is an important safeguard that protects employees, and its rollback will be a disgrace.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise in opposition to this resolution and the complete dismantlement of the Fair Pay and Safe Workplaces executive order.

Among other worker protection benefits, President Obama's Fair Pay and Safe Workplaces executive order prohibits Federal contractors from using forced arbitration clauses in employment contracts involving civil, sexual assault, and harassment disputes. It directs companies with Federal contracts of $1 million or more not to require their employees to enter into pre-dispute arbitration proceedings for disputes arising out of title VII of the Civil Rights Act or from sexual assault or harassment cases, except when valid contracts already exist.

This existing order built upon existing policy that was successfully implemented at the Department of Defense, the largest Federal contracting agency, and it will help improve contractors' compliance with labor laws.

Simply put, Mr. Speaker, the Fair Pay and Safe Workplaces executive order required Federal contractors to give employees their day in court. By doing away with this order, the new administration is subjecting workers to forced arbitration, which is a private and fundamentally unfair process.

Unlike the court system, which was developed through centuries of jurisprudence, forced arbitration does not provide important procedural guarantees of fairness and due process that are the hallmark of our courts. There are no requirements that witnesses testify under oath or affirmation, rules of evidence and procedure are not relied upon, the caselaw that has been developed over centuries is not used as precedent, and arbitration proceedings are often secretive, sealed, and there is no meaningful right to appeal.

Behind closed doors and shrouded in secrecy, forced arbitration enables employers to conceal wrongdoing from the public and to undermine employee rights.

Since 2007, I have championed the Arbitration Fairness Act, which would eliminate forced arbitration clauses in employment, consumer, and civil

rights cases. The executive order took us one step closer.

Americans deserve better than private, unaccountable tribunals that adjudicate disputes, mostly in favor of the employer. Equal access to justice for all should not be an aspiration but a guarantee for all Americans.

I ask my colleagues to oppose H.J. Res. 37.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to restate a couple of provisions.

One is this underlying regulation only applies to contracts in excess of $500,000. As previously stated, this information that is to be disclosed can already be considered in contracting. This regulation makes it available so it can be considered.

It is not just allegations. We are talking about agency determinations after an investigation.

Now, the regulation requires consideration of the fact of whether or not a determination is final or whether it is on appeal. That is to be considered. But not all violations in the fullest of time are to be considered at all. Only those that are serious, repeated, willful, or pervasive violations of fair pay and safe workplace violations are to be considered.

And so for the people who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

□ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners will be the unscrupulous contractors who cut corners and compromise the safety of their workers. The losers will be the workers, who are the most susceptible to wage theft and unfair working conditions, and the law-abiding contractors who face unfair competition.

Mr. Speaker, I include in the RECORD three letters: one from The Leadership Conference on Civil and Human Rights, another from the American Industrial Hygiene Association, and, finally, one from a coalition of 134 business, labor, and civil society groups which stand in opposition to this resolution of disapproval.

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
*Washington, DC, January 31, 2017.*

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Minority Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we write in strong opposition to the use of the Congressional Review Act (CRA) to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay regulations represent a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Fair Pay regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. They also encourage companies applying for federal contracts to comply with federal civil rights laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

We urge you to oppose any attempts to roll back the protections that stem from the Executive Order on Fair Pay and Safe Workplaces. The Order and implementing regulations provide strong protections against the federal government contracting with employers that routinely engage in discrimination based on race, sex, age, or disability, violate workplace health and safety protections, withhold wages, or commit other labor violations. If you have any questions, please feel free to contact June Zeitlin, Director of Human Rights Policy.

Sincerely,

WADE HENDERSON,
*President & CEO.*
NANCY ZIRKIN,
*Executive Vice President.*

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AIHA PROTECTING WORKER HEALTH
*January 31, 2017.*

EXPRESSING CONCERN FOR WORKER HEALTH & SAFETY RELATED TO H.J.RES. 37 ''DISAPPROVING THE FINAL RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION RELATING TO THE FEDERAL ACQUISITION REGULATION''

DEAR US REPRESENTATIVES: On behalf of the American Industrial Hygiene Association (AIHA), I am writing to express our concern with H.J.Res. 37, which would overturn a final rule that amended the Federal Acquisition Regulation to implement Executive Order 13673 ''Fair Pay and Safe Workplaces'', and is currently scheduled for consideration this week on the House floor under Suspension of the Rules. While the final rule and Executive Order address many topics, our concerns are limited to those areas dealing with worker health and safety, as these are the subjects in which AIHA and its members possess unique expertise and knowledge.

Instead of a blanket repeal of this rule, AIHA encourages you to engage with occupational and environmental health and safety professionals, and others in a constructive dialogue that examines how best to improve worker health, safety, and socioeconomic prosperity—all of which are closely linked. As currently drafted, H.J.Res. 37 threatens to slow progress towards healthier and safer workplaces; as such, we encourage you to oppose its passage.

Founded in 1939, AIHA is the premier association of occupational and environmental health and safety professionals. AIHA's 8,500 members play a crucial role on the front line of worker health and safety every day. Our members represent a cross-section of industry, private business, labor, government and academia.

Thank you for your consideration of AIHA's concerns and recommendations. AIHA looks forward to working with you to help protect worker health and safety. Please feel free to contact Mark Ames, AIHA's Director of Government Relations.

Respectfully,

LAWRENCE SLOAN, CAE,
*Chief Executive Officer, AIHA.*

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JANUARY 31, 2017.

Hon. PAUL RYAN,
*Speaker of the House,*
*Washington, DC.*
Hon. NANCY PELOSI,
*Minority Leader,*
*Washington, DC.*

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations, we write in strong opposition to the use of the Congressional Review Act (CRA) to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order. We are organizations dedicated to protecting workers, eliminating workplace discrimination and protecting access to justice. The Fair Pay regulations represent a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Fair Pay regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. They also encourage companies applying for federal contracts to comply with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

We ask you to stand with American workers and oppose any attempts to roll back the protections that stem from the Executive Order on Fair Pay and Safe Workplaces. They provide strong protections against the federal government contracting with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations. These protections should not be repealed.

Sincerely,

9to5 California, 9to5 Colorado, 9to5 Georgia, 9to5 Wisconsin, 9to5, National Association of Working Women, A Better Balance, A. Phillip Randolph Institute, AFL-CIO, African American Ministers In Action, AJ Rosen & Associates LLC, Alaska Wilderness League, Alliance to End Slavery & Trafficking, Amalgamated Transit Union, American Association for Access, Equity and Diversity, American Association of People with Disabilities, American Association of University Women (AAUW), American Civil Liberties Union, American Federation of State, County and Municipal Employees, American Federation of Teachers.

Americans for Democratic Action, Arkansans Against Abusive Payday Lending, Bazelon Center for Mental Health Law, Bend the Arc Jewish Action, BlueGreen Alliance, Brazilian Worker Center, Brotherhood of Locomotive Engineers and Trainmen—Wyoming State Legislative Board, Business and Professional Women/Florida (BPW/FL), Business and Professional Women/St. Petersburg-Pinellas (BPW/SPP), California Employment Lawyers Association, Catalyst, Center for Justice & Democracy, Center for Law and Social Policy, Coalition of Labor Union Women, Coalition on Human Needs, Coalition to Abolish Slavery & Trafficking, Communications Workers of America, Demand Progress, Demos, Economic Policy Institute Policy Center.

Equal Pay Today, Equal Rights Advocates, Family Equality Council, Family Values @ Work, Farmworker Association of Florida, Feminist Majority, Fight for $15, Food & Water Watch, Friends of the Earth, Futures Without Violence, Gender Justice, Good Jobs Nation, Health Justice Project, Hindu American Foundation, Human Rights Campaign, Institute for Science and Human Values, Inc., Interfaith Worker Justice, International Association of Machinists and Aerospace Workers, International Brotherhood of Teamsters.

International Federation of Professional and Technical Engineers, IFPTE, International Union of Bricklayers and Allied Craftworkers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Jobs With Justice, Jobs with Justice of East Tennessee, Knox Area Workers' Memorial Day Committee, Labor Council for Latin American Advancement, Labor Project for Working Families in Partnership with Family Values @ Work, Lambda Legal, Lawyers Committee for Civil Rights Under Law, The Leadership Conference on Civil and Human Rights, Main Street Alliance, Make the Road New York, MassCOSH—Massachusetts Coalition for Occupational Safety & Health, MomsRising.org, NAACP, National Alliance for Fair Contracting, National Asian Pacific American Women's Forum, National Association of Consumer Advocates.

National Association of Human Rights Workers, National Association of Social Workers, National Bar Association, National Black Justice Coalition, National Center for Law and Economic Justice, National Center for Lesbian Rights, National Center for Transgender Equality, National Consumer Law Center (on behalf of its low income clients), National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Law Project, National Employment Lawyers Association, National Fair Housing Alliance, National Guestworker Alliance, National Health Law Program, National Immigration Law Center, National Organization for Women, National Urban League.

National Women's Law Center, National Youth Employment Coalition, Oxfam America, Paralyzed Veterans of America, The National Partnership for Women & Families, People's Action, Policy Matters Ohio, PowHer New York, Pride at Work, Progressive Congress Action Fund, Public Citizen, Public Justice, Public Justice Center, Restaurant Opportunities Centers United, Retail, Wholesale & Department Store Union, Santa Clara County Wage Theft Coalition, Sargent Shriver National Center on Poverty Law, Service Employees International Union (SEIU), Sierra Club, South Florida Interfaith Worker Justice.

Southwest Women's Law Center, Sugar Law Center for Economic & Social Justice, The American Association for Justice, The Consumer Voice, The Maryland Consumer Rights Coalition, UltraViolet, Union of Concerned Scientists, Unite Here, United Steelworkers, UWUA—Utility Workers Union of America, The Voter Participation Center, Washington State Labor Council, AFL-CIO, WisCOSH, Inc., Women Employed, Women's Voices for the Earth, Workplace Fairness, Women's Voices Women Vote Action Fund.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to vote ''no'' on this resolution of disapproval.

I yield back the balance of my time.

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

In closing, I thank my colleagues—Chairman CHAFFETZ, Chairman CHABOT, and Representative MITCHELL—for joining us in this important effort as well as to thank my colleagues who came and spoke on this resolution.

Workers deserve strong protections. The best way to ensure fair pay and safe workplaces is to enforce the existing suspension and debarment system. It is also important to remind my colleagues of what the Congressional Progressive Caucus said:

> The Department of Labor has full authority under current law to hold Federal contractors accountable.

It is clear we don't need more layers of red tape to prevent bad actors from receiving taxpayer-funded contracts. Creating a bureaucratic maze would only make a system less efficient that is designed to protect workers. Furthermore, the blacklisting rule would undermine the ability of small businesses to compete for Federal contracts, would increase costs for taxpayers, and would jeopardize the resources of our Armed Forces—the ones they need to keep this country safe.

I urge my colleagues to block this harmful rule and vote ''yes'' on H.J. Res. 37.

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

Mr. SMITH of Texas. Mr. Speaker, I rise today in support of House Joint Resolution 37, which annuls a poorly-written regulation put in place by the Obama administration.

We need to clean up the regulations that the previous administration imposed upon American business. We need to reform them, and ensure that they serve a useful purpose. This is especially important for the Department of Defense and NASA.

The regulation in question does not allow contractors to exercise their right of due process. Rather than letting our legal system provide justice, American companies could be blacklisted by contracting agencies if ''preliminary determinations'' had been made against them.

This is not how our justice system works. Perhaps that is why this regulation was halted by a nationwide injunction.

We should protect American workers. The regulation we strike today was poorly crafted, and it would ultimately do America's workforce more harm than good.

As Chairman of the Science Committee, I know that such a regulation would impede NASA from carrying out its mission of exploration and place an unnecessary cost on taxpayers by diminishing competition.

NASA should not be hampered by such unnecessary regulations and needs to focus its resources on the challenges of outer space exploration.

The Federal procurement process cannot afford to be bogged down with defective regulations. Congress must clean up how our government does business to ensure that it is just and efficient.

I encourage my colleagues to support this important legislation.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, we often tell young people that if they work hard and play by the rules, their efforts will be rewarded.

Yet this unjust resolution fails to put our federal government's money where its mouth is.

It will ensure that our tax dollars continue to go to companies that fail to live up to their end of this bargain.

Time and again, reports have cited the glaring frequency with which serial labor law violators receive federal contracts.

In the mid-1990s, GAO identified dozens of companies of violating core workplace protections, like the National Labor Relations Act and the Occupational Safety and Health Act.

And these abuses have continued. Reports in 2010 and 2013 again found that companies with significant labor citations continued to receive federal contracts.

The Fair Pay and Safe Workplaces rule makes certain that our agencies have the information about these violations they need to protect American workers and safeguard our tax dollars.

It makes clear that companies who violate our landmark labor protections, who deny overtime pay or family leave, and who deny workers' rights to organize are not rewarded for repeatedly flouting the law.

It also ensures that workers who have been discriminated against or sexually harassed can have their day in court. They cannot be forced into arbitration.

Our procurement laws already ask that tax dollars only go to responsible contractors, with ''a satisfactory record of integrity''.

Serial labor law violators do not meet this test.

What's more, numerous studies have found that contractors with better compliance records also perform better.

So let's not brush around the edges; this is not about safeguarding tax dollars.

This vote is about allowing labor abuses to go rewarded.

I cannot stand for that. I urge my colleagues to vote no.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 74, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

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

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on passage of H.J. Res. 40.

The vote was taken by electronic device, and there were—ayes 236, noes 187, not voting 9, as follows:

[Roll No. 76]

AYES—236

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

NOES—187

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Clark (MA)
Hastings
Jones
Mulvaney
Peterson
Price, Tom (GA)
Rush
Walker
Zinke

□ 1556

Mr. DEFAZIO changed his vote from ''aye'' to ''no.''

Mr. CORREA changed his vote from ''no'' to ''aye.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT

Mr. SESSIONS. Mr. Speaker, this afternoon, the Rules Committee issued an announcement outlining the amendment process for H.R. 428, the Red River Gradient Boundary Survey Act.

The amendment deadline has been set for Monday, February 6, at 3 p.m. Amendments should be drafted to the bill as introduced and which can be found on the Rules Committee website.

Mr. Speaker, please be advised, if there are any questions, Members may contact me or any member of the Rules Committee staff.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 180, not voting 17, as follows:

[Roll No. 77]

AYES—235

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

| | | |
|---|---|---|
| Newhouse | Ros-Lehtinen | Thompson (PA) |
| Noem | Roskam | Thornberry |
| Nunes | Ross | Tiberi |
| O'Halleran | Rothfus | Tipton |
| Olson | Rouzer | Trott |
| Palazzo | Royce (CA) | Turner |
| Palmer | Russell | Upton |
| Paulsen | Rutherford | Valadao |
| Pearce | Sanford | Wagner |
| Perry | Scalise | Walberg |
| Pittenger | Schweikert | Walden |
| Poe (TX) | Scott, Austin | Walorski |
| Poliquin | Sensenbrenner | Walters, Mimi |
| Posey | Sessions | Walz |
| Ratcliffe | Shimkus | Weber (TX) |
| Reed | Shuster | Webster (FL) |
| Reichert | Simpson | Wenstrup |
| Renacci | Sinema | Westerman |
| Rice (SC) | Smith (MO) | Williams |
| Roby | Smith (NE) | Wilson (SC) |
| Roe (TN) | Smith (NJ) | Wittman |
| Rogers (AL) | Smith (TX) | Womack |
| Rogers (KY) | Smucker | Woodall |
| Rohrabacher | Stefanik | Yoder |
| Rokita | Stewart | Yoho |
| Rooney, Francis | Stivers | Young (AK) |
| Rooney, Thomas J. | Taylor | Young (IA) |
| | Tenney | Zeldin |

NOES—180

| | | |
|---|---|---|
| Adams | Fudge | Nadler |
| Aguilar | Gabbard | Napolitano |
| Barragán | Gallego | Neal |
| Bass | Garamendi | Nolan |
| Beatty | Gonzalez (TX) | Norcross |
| Bera | Gottheimer | O'Rourke |
| Beyer | Green, Al | Pallone |
| Blumenauer | Green, Gene | Panetta |
| Blunt Rochester | Grijalva | Pascrell |
| Bonamici | Gutiérrez | Payne |
| Boyle, Brendan F. | Hanabusa | Pelosi |
| | Heck | Perlmutter |
| Brady (PA) | Higgins (NY) | Peters |
| Brown (MD) | Himes | Pocan |
| Brownley (CA) | Hoyer | Polis |
| Bustos | Huffman | Price (NC) |
| Butterfield | Jackson Lee | Quigley |
| Capuano | Jayapal | Raskin |
| Carbajal | Jeffries | Rice (NY) |
| Cárdenas | Johnson (GA) | Richmond |
| Carson (IN) | Johnson, E. B. | Rosen |
| Cartwright | Kaptur | Roybal-Allard |
| Castor (FL) | Keating | Ruiz |
| Castro (TX) | Kelly (IL) | Ruppersberger |
| Chu, Judy | Kennedy | Ryan (OH) |
| Cicilline | Khanna | Sánchez |
| Clarke (NY) | Kihuen | Sarbanes |
| Clay | Kildee | Schakowsky |
| Cleaver | Kilmer | Schiff |
| Clyburn | King (NY) | Schneider |
| Cohen | Krishnamoorthi | Schrader |
| Connolly | Kuster (NH) | Scott (VA) |
| Conyers | Langevin | Scott, David |
| Cooper | Larsen (WA) | Serrano |
| Correa | Larson (CT) | Sewell (AL) |
| Costa | Lawrence | Shea-Porter |
| Courtney | Lawson (FL) | Sherman |
| Crist | Lee | Sires |
| Crowley | Levin | Slaughter |
| Cummings | Lewis (GA) | Smith (WA) |
| Davis (CA) | Lieu, Ted | Soto |
| Davis, Danny | Lipinski | Speier |
| DeFazio | Loebsack | Suozzi |
| DeGette | Lofgren | Swalwell (CA) |
| Delaney | Lowenthal | Takano |
| DeLauro | Lowey | Thompson (CA) |
| DelBene | Lujan Grisham, M. | Thompson (MS) |
| Demings | Luján, Ben Ray | Titus |
| DeSaulnier | Maloney, Carolyn B. | Tonko |
| Deutch | | Tsongas |
| Dingell | Maloney, Sean | Vargas |
| Doggett | Matsui | Veasey |
| Donovan | McCollum | Vela |
| Doyle, Michael F. | McEachin | Visclosky |
| | McGovern | Wasserman Schultz |
| Ellison | McNerney | |
| Engel | Meeks | Waters, Maxine |
| Eshoo | Meng | Watson Coleman |
| Espaillat | Moore | Welch |
| Esty | Moulton | Wilson (FL) |
| Evans | Murphy (FL) | Yarmuth |
| Foster | | |

NOT VOTING—17

| | | |
|---|---|---|
| Brooks (AL) | Hastings | Mulvaney |
| Clark (MA) | Jones | Peterson |
| Davidson | LaMalfa | Pingree |
| Frankel (FL) | Lynch | Price, Tom (GA) |
| Rush | Torres | Walker |
| Velázquez | Zinke | |

□ 1607

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTING MEMBERS TO THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY AND THE JOINT COMMITTEE ON PRINTING

Mr. HARPER. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Resolution 82, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 82

*Resolved,*

**SECTION 1. ELECTION OF MEMBERS TO JOINT COMMITTEE OF CONGRESS ON THE LIBRARY AND JOINT COMMITTEE ON PRINTING.**

(a) JOINT COMMITTEE OF CONGRESS ON THE LIBRARY.—The following Members are hereby elected to the Joint Committee of Congress on the Library, to serve with the chair of the Committee on House Administration and the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations:

(1) Mr. Loudermilk.
(2) Mr. Brady of Pennsylvania.
(3) Ms. Zoe Lofgren of California.

(b) JOINT COMMITTEE ON PRINTING.—The following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration:

(1) Mr. Rodney Davis of Illinois.
(2) Mr. Walker.
(3) Mr. Brady of Pennsylvania.
(4) Mr. Raskin.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GROUNDHOG DAY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today is a big day in the Fifth Congressional District of Pennsylvania, specifically, in Punxsutawney, Pennsylvania, as our most famous resident had his day in the sun, literally.

Early this morning, Punxsutawney Phil, our weather-expert groundhog saw his shadow. For those of you who know the old German legend, this means that we are in for six more weeks of winter.

Punxsy Phil has been forecasting the weather since the 1800s. He drinks a magical punch annually on February 2, which is an elixir of life that extends his life by 7 years.

Crowds gathered on Gobbler's Knob before sunrise today for the 131st celebration. While there are many wannabes, accept no substitution for the original prognosticator.

The crowd chanted Phil's name repeatedly to awaken him, and then Phil, known in his hometown as the Seer of Seers, came to deliver the news. Records going back to 1887 show that Phil has forecasted a longer winter 103 times and an early spring just 18 times.

Today in Punxsutawney it was a balmy 30 degrees, so don't pack up your winter gear just yet. Phil says we have six more weeks.

Happy Groundhog Day.

## IMPACTS OF THE IMMIGRANT BAN

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

Mr. CARBAJAL. Mr. Speaker, today I rise to tell the story of how last week's reckless and poorly implemented executive order indiscriminately banning immigrants from seven countries directly impacted two University of California, Santa Barbara graduate students in my district.

My office was contacted by Hassan Arbabi, a Ph.D. student in mechanical engineering at UCSB. Hassan reached out to me on behalf of his girlfriend, Maryam Rasekh, who has also been accepted into UCSB's Ph.D. program for electrical engineering.

Maryam, an Iranian citizen, left the United States to undergo the vetting process for her F–1 student visa in order to attend graduate school in Santa Barbara. For months, Maryam interviewed and underwent an exhaustive administrative immigration process.

Maryam's F–1 student visa was approved on Friday, January 26, the same day the President signed his executive order banning all immigrants from Iran. The order prevented Maryam from returning to the United States to begin her studies.

We have in place the strictest vetting process in the world. Banning immigrants like Maryam from pursuing higher education degrees does not make us safer. It prevents people like Maryam from making important scientific advances and contributing to our Nation.

## REMEMBERING THOMAS J. MAHONEY, 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 remember Mr. Thomas J. Mahoney, Jr. of Savannah, Georgia, a highly-respected local attorney and community leader. He passed away on January 20 at 80 years of age.

Mr. Mahoney graduated from Savannah's Benedictine Military School in 1954 and earned his law degree from the University of South Carolina.

In his first career after college, he worked as an FBI Special Agent in Chicago, Baltimore, and Washington. During this time, Mr. Mahoney met the love of his life, Judy, with whom he had four children.

After 2 years in the FBI, Mr. Mahoney returned to Savannah and joined the law firm Mahoney & Cole, P.C. Through his hard work and determination, he worked up the ranks to become its president and CEO.

He used his legal knowledge to make coastal Georgia a better place to live, serving as the Chatham County attorney, city attorney for Tybee Island, judge for Tybee Island, and assistant city attorney for Savannah. He also served as the special assistant attorney general for the Georgia Ports Authority since 1987, helping it to grow to its current, impressive size.

Thank you, Mr. Mahoney, for everything you have done for the Savannah community. You will be missed.

□ 1615

## VICTIMS OF SEX TRAFFICKING

(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, we all know that human trafficking is a major problem right here in the United States. It is happening in every one of our communities.

This week, as millions of Americans gather to watch the Super Bowl, I would like to shine a light on another troubling fact, and that is that there is an increase in the human trafficking and sex trafficking in the days surrounding the Super Bowl.

Last year, in a few weeks leading up to the Super Bowl event, the Santa Clara Sheriff's Office identified 42 potential victims of sex trafficking during a series of stings and cited 30 additional men for soliciting prostitution.

The good news is, Mr. Speaker, we are drawing attention to this fact and working hard to end this heinous practice. Next year, my home State of Minnesota will be hosting the Super Bowl, and our host committee is already working hard in collaboration with Federal and local law enforcement, with government agencies, with advocacy groups and victims' service organizations to develop a comprehensive and coordinated plan to address the issue. That is because, Mr. Speaker, over the next year, we will continue to end the practice of human trafficking, working tirelessly, and this is a wonderful opportunity to showcase how we can have freedom from the ugliness of trafficking.

## THIDWICK BOOKS

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

Mr. POE of Texas. Mr. Speaker, Thidwick Books is a small, 865-square-foot bookshop that has been in the same building since 1999, but now it is being forced to either close its doors forever or move away.

Serial plaintiff Craig Yates has sued multiple other merchants, including Thidwick Books. He generally makes vague claims about the designs of retail stores and claims that they violate the Americans with Disabilities Act.

These small businesses do not have the resources to contest unfounded lawsuits or, in many cases, even know what the alleged violations are. The businesses are told to either pay a settlement or get sued with further litigation. Oftentimes, small businesses choose to pay the extortion rather than to defend the expensive, unfounded drive-by lawsuit.

The bipartisan bill, the ADA Education and Reform Act of 2017, improves access to public accommodations for the disability community while preventing well-meaning businessowners from falling victim to drive-by lawsuits.

Mr. Speaker, the ADA was designed to improve access for the disabled, not to enrich unscrupulous lawyers and the plaintiffs.

And that is just the way it is.

## HOUSE OF REPRESENTATIVES PROTECTS SENIORS' SECOND AMENDMENT RIGHTS

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

Mr. LAMALFA. Mr. Speaker, I am thankful we have in the process here as elected officials the ability to hold accountable Federal agencies and new rules that will be made at midnight. I am speaking of legislation passed today to allow, in many cases, seniors who might see their Second Amendment rights limited or taken away by a last-minute rule that would require them to be turned in to the national background check system in this country, thereby, because they might be on SSI or disability, losing their ability perhaps to own a firearm under their Second Amendment rights.

The House of Representatives took steps today to ensure their ability to not be singled out because they might be in a particular system and assumed to be a risk—unlike anybody else. So we can do good work sometimes, and we do when we strike out for protecting people's rights.

## SUPPORTING JUDGE NEIL GORSUCH'S NOMINATION TO U.S. SUPREME COURT

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

Mr. GARRETT. Mr. Speaker, I rise today to express my support of the President's selection of Neil Gorsuch as nominee to the United States Supreme Court. Mr. Speaker, it is my sincerest hope that the Members of this body and our body down at the other end of the building will recognize just what a wonderful selection Mr. Trump has made.

In fact, candidly, Mr. Speaker, were it my selection, I probably would not pick someone who had clerked for liberal jurist Byron ''Whizzer'' White or the split vote on the Court, Anthony Kennedy. In fact, I wonder if the habits of the individuals in the Senate—who might have the opportunity to confirm—to resist every single thing that comes across their desks these days might not, in fact, lead to a more conservative nominee should Judge Gorsuch not be nominated.

I would again commend Mr. Trump for this middle-of-the-road selection. I think he will maintain the balance on the Court that Mr. Kennedy has here today.

I hope my colleagues on the other side of the aisle are wise enough to understand just what a benevolent and middle-of-the-road selection Mr. Gorsuch is.

## LET US SHOW MERCY

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

Ms. JACKSON LEE. Mr. Speaker, tomorrow is going to be a devastating day for so many. For decades, America has been engaged in resettling refugees. I remember the Vietnamese, the Iraqis, and the people from Afghanistan. More importantly, I remember the excitement I had in visiting the Statue of Liberty and being reminded of what a great country this is.

Tomorrow, with the 120-day suspension, we will literally devastate refugee families, some of whom waited 10, 12, 15 years, who have sold all their goods and who are good people who want to come to this country, and, as well, their documents will expire.

I am asking the administration to have mercy and to be as the Chaplain ordered us to do: to find our grounding in being able to be servants.

I would ask that we not devastate these families causing them to completely be derailed from moving toward being refugees in this country. No terrorist has been found in refugees.

I believe it is crucial that we show mercy in the spirit of prayer, as in the prayer breakfast this morning. Let us show mercy.

## SUPPORT FOR BLM METHANE RULE

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, late last

year, the Bureau of Land Management finalized its methane rule, which will reduce harmful emissions by curbing the wasteful venting, flaring, and leaking of natural gas.

Not only is methane a potent greenhouse gas, but every cubic foot of gas that is wasted cheats New Mexican taxpayers out of precious royalty and tax payments which go toward public education, infrastructure, and community development programs. Considering that the Governor of New Mexico has proposed cutting money from school districts to close an estimated $70 million deficit, we simply cannot afford to let money disappear into thin air.

Unfortunately, the House of Representatives is considering legislation that will not only rescind BLM's methane rule, but also prohibit the consideration of any similar rule to curb methane emissions and protect taxpayer interests ever again.

I strongly support efforts to work with all stakeholders, especially small, independent producers who may, in fact, have difficulties implementing BLM's new standards, but taking a sledgehammer to our Nation's energy policy is irresponsible and counterproductive.

I urge my colleagues to oppose this legislation and instead work to make this rule work for both producers and taxpayers alike.

## NEW MEMBERS WORKING TOWARD A COMMON GOAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Mr. Speaker, it is good to be back on the floor. We have had a productive week so far. Things are moving along. We are doing exactly what we promised the American people, and that is removing regulatory burden, that is beginning to move toward an economy that looks after the needs of our communities—our moms, dads, aunts, uncles, and grandkids. They come together to know we are working toward a common goal, and that is looking ahead and making sure that what we do is in the best interests of our neighbors and our communities.

Today, I want to continue in what we started, Mr. Speaker, just a week or so ago. We are introducing the folks that the country has sent from our side to be Members here, to join myself and others, to take this fight from the majority not only from their streets in the campaigns, but now onto the floor of the House.

So this afternoon, we are going to start off with one of our new Members from New York's 19th Congressional District, JOHN FASO. I found out as I was looking through his background that JOHN comes from the same hometown as President Martin Van Buren and also our former colleague Chris Gibson, who was here for a while.

I think if there is anything that sums up what I have heard from JOHN's heart, it is the economic condition that we are in and the fact that our debts cannot continue to be sustained, and we have to put in good practices that not only take into account his district—which is a wonderful part of New York State—and the growing application there, but how we can take that all over the country.

So with great pride, it is my privilege to introduce the newest Congressman from New York's 19th Congressional District, JOHN FASO, to tell us a little bit about why he is here and his vision for what we have.

Mr. Speaker, I yield to the gentleman from New York (Mr. FASO).

Mr. FASO. Mr. Speaker, I appreciate that, and I appreciate the gentleman from Georgia's hospitality in yielding the floor to me at this time.

Mr. Speaker, indeed, I am privileged to represent the 19th Congressional District of New York State. This encompasses a wide area of the mid-Hudson Valley and the Catskill region. The district touches Vermont in the northeast corner and Pennsylvania in the southeast corner. We go out to Cooperstown, and we have great local locations like Woodstock. Many people are familiar with Woodstock, where the concert was supposed to be back in the late 1960s, but also where the concert occurred in Bethel, New York, in Sullivan County. The district encompasses all or part of 11 counties.

The gentleman from Georgia referenced the fact that I have resided for the last 30, almost 34, years in Kinderhook, New York, the hometown of Martin Van Buren, our eighth President. Our district also has within it the town of Hyde Park in Dutchess County, which is the home of a President who was extraordinarily well-known and recognized for his great contributions to our country, Franklin D. Roosevelt. I encourage people to come visit Hyde Park and the Roosevelt home and mansion, and also Kinderhook.

I would be remiss if I did not also mention that the 19th District has the Baseball Hall of Fame in Cooperstown, New York, where I know a number of Members will be coming up later this year to play a game of baseball in a charitable fundraising event.

Mr. Speaker, Mr. COLLINS had made reference to the economic condition. The economic condition in upstate New York is extremely difficult. Of the 11 counties in my district, for instance, all 11 have lost population in the last 5 years. What has happened is that people are leaving because of high local taxes and burdensome rules. These come not just from Albany, but also from Washington. This is one of the things that I think the people sent me here to Congress to work on.

I ran on a platform of economic growth. We must get our economy moving, and we must get it moving fast and growing at rates that are not in the anemic 1.5 to 1.8 percent level, but up to 3, 3.5, and 4 percent if we are going to produce enough wealth and opportunity for our children and grandchildren. Indeed, Mr. Speaker, we cannot allow this generation to leave to the next generation a country that is immeasurably poorer and less well off than the country that we were given by our parents and grandparents.

I am privileged to serve on three committees here in Congress: the Budget Committee; the Transportation and Infrastructure Committee, where I am honored to serve as the vice chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials; and also the Committee on Agriculture. All three of these committees are going to be vitally significant in terms of my tenure here in these 2 years of Congress, but also for the people of our district.

Agriculture, we have a robust and growing agricultural economy. It is dairy, where a lot of dairy farmers are struggling with the low price of milk, but also fruits and vegetables. We have got a remarkable number of new producers—yogurt producers, cheese producers, and beef and pork producers—because we live only 125 to 150 miles away from the city of New York and the tremendous metropolitan area and the tremendous market that that entails.

On the Agriculture Committee, I will be fighting hard to protect the interests of our dairy community and small farmers and to make sure that we encourage our young people to go into agriculture. I am pleased to soon support a measure which will encourage young people to go into agriculture.

On the Committee on Transportation and Infrastructure, I mentioned the Railroads, Pipelines, and Hazardous Materials Subcommittee. Our district is blessed to have the beautiful Hudson Valley. The Hudson Valley—the Empire State corridor of Amtrak—is one of the busiest in the Nation. It is also one of the profit centers for Amtrak. Many, many people ride the train between Albany and New York City on a daily basis, in fact. It is vitally important to our commerce and to our business interests in our district.

We also have a number of freight rail facilities. I will be working closely with folks out in Otsego County and Oneonta for the project that they are looking at for their rail facility in that community.

Lastly, as I mentioned, I serve on the Budget Committee. Just today, we heard a report from the Congressional Budget Office. The chief of the CBO came before us. He indicated that today we have almost $20 trillion of national debt.

□ 1630

That is just the on-the-books government national debt. He also said to us that within 10 years we are going to be facing another $10 trillion on top of

that. And $30 trillion, my colleagues, is not sustainable. It is, in essence, generational theft. It is saying we would spend today our children's and grandchildren's inheritance and that we are forcing, by borrowing way beyond our means, our children and grandchildren in the future to pay for our spending today.

So this, indeed, is a crisis point. It is a crisis point for our country. It is a crisis point for every man, woman, and child in our Nation.

In fact, if you look at the data, right now our national debt is the equivalent of about $60,000 for every man, woman, and child in America. We have to get this under control. The way to get it under control is we have to deal with growth. We have got to get economic growth. Smart tax and regulatory changes can help us spur the private sector economy to grow this economy, to create more opportunity, to create more wealth and jobs for our families all across the Nation, but particularly, from my vantage point, in upstate New York.

But we also need to take a hard look at reforming entitlement programs. There is precedent for doing this. President Ronald Reagan, Tip O'Neill, the great former Senator from New York State Daniel Patrick Moynihan, and others came together in the early eighties and fixed the Social Security financing problem for over 40 years. Well, the timeline for fixing that problem is running out.

I encourage people at home and citizens all across this country, pull out your Social Security earnings statement. Pull out that statement that the Social Security Administration sends to you each year. If you look at it closely, it will say that, in 2034, just a mere 17 or 18 years from now, Social Security can only pay approximately 75 or 76 percent of the promised benefits.

We have it in our capacity to fix this problem to assure that all the seniors are taken care of and that those close and near retirement will not be affected. But we also have to reform the system so that our children and grandchildren have the prospect of something there for them in the future. We cannot, again, be the generation to leave our kids and our grandchildren holding the bag with a country less wealthy, with less opportunity than the country that our parents and grandparents gave to us.

So I am really pleased to have this opportunity to come before the House today. I am very happy that Mr. COLLINS has, with his wisdom and experience here in the House, afforded us this opportunity to come here and describe what is going on in our district, why we came here, what we want to do, and what we hope to accomplish over the next 2 years.

Mr. COLLINS of Georgia. Mr. Speaker, one of the reasons we do this—and I think Congressman FASO actually mentioned this—is what we forget so many times is we come in here, and we are grouped together as 435, but, the reality is, we all come from our individual districts.

Listening to the gentleman's story, listening to why he came, that is what keeps us grounded. This is the wonderful hallowed halls for us to remember all the history that has been here, but, when we come here, you bring that personal story. And that is what the voters elected you to do.

Again, it is a pretty amazing district. I am learning about a lot of districts. When you have the area of Woodstock and Cooperstown in the same district, that is pretty cool.

I appreciate the gentleman being here, and I am looking forward to his service.

Mr. FASO. Well, I look forward to working with the gentleman from Georgia, and I look forward to working with all of my colleagues on both sides of the aisle to try to fix what is wrong with our country today, to improve on what we already have, and to create a sustainable future for all Americans. This is why I ran, and that is why I am here.

I thank the gentleman from Georgia for the opportunity to come before the House to speak with him today.

Mr. COLLINS of Georgia. We are very glad to have the gentleman here.

Mr. Speaker, as we go along, you have seen one great new Member from New York's 19th District, but then there is also a new Member who comes from the Big First out in Kansas. He is a doctor. He has been married for 32 years and has four children.

I think the coolest thing about this is we talk about a culture of life. For me, it is not just a life issue of getting up every day. I believe that you take every day as a gift that has been given to you, and you grasp and you take that joy. But life has to start. For a doctor who delivers 5,000 babies, it is pretty cool to see that life, as a husband who has been there.

He has talked about his greatest role as a husband and father. That is mine and, I think, Mr. Speaker, as most, as we look at this. Seeing my kids come in was a special time. To know what that means in the life of a family, Dr. Marshall brings that personal touch to the House. He brings that personal touch from the Midwest.

Mr. Speaker, you do know I am in the Air Force Reserve. Mr. Speaker understands that very well. Also, I will say that he served as well in our once-parent operation, the Army Reserve. It is good to have him here. That military background also gives us a new perspective because our world is not a safe place, and we need to understand what we are going through.

Mr. Speaker, I yield to the gentleman from the Big First, the First District of Kansas, Dr. ROGER MARSHALL.

Mr. MARSHALL. Mr. Speaker, I thank the gentleman for Georgia for yielding.

I am so proud to be here today. Before I talk about my district, I just want to say thanks to my fellow freshman class. I am so grateful to be part of the freshman class of the 115th Congress—a freshman class that includes 10 Members with military experience, a sheriff's officer, an FBI agent, two physicians, a dentist, and the rest of the class being mostly businessmen and businesswomen full of real-life experiences, which helps us solve problems with some little common sense.

As my family and I traveled our district of Kansas this last 2 years, traveling 30,000 miles, they constantly identified the three common problems. They were concerned about the economy, national security, and health care.

The first 2 years of those travels, I listened a lot. The last 6 months, I focused on solutions. I thought I would share today some of the common solutions that my classmates and I have talked about, as well as my constituents back home.

First of all, as far as the economy goes, the number one problem with the economy is government overregulation. Overregulation creates uncertainty and consolidation. When there is uncertainty, businesses don't grow; they don't invest.

The overregulation creates consolidations. So instead of having three or four community banks in town, consolidation forces there to be only one bank. Oftentimes, those single banks no longer even make bank loans to people from their own community. Consolidation has occurred in hospitals and with physician practices as well, all too often.

I am so proud to stand up here today and hear that the Senate also approved one of the laws we have passed repealing regulations. We think, as we go down this path, repealing regulation will be a continued path for small businesses to grow. That is where 80 percent of our future job growth is going to come from: small businesses.

It is hard to believe, when I talk about national security, that men and women who live 1,300 miles inland from the nearest ocean, separated by mountains and rivers, are concerned about their own safety.

It is hard to imagine that before there was the Paris massacre or San Bernardino or Orlando that my constituents in Kansas were concerned about national security. I stand beside our President in making our border secure and working through immigration and refugee issues to make our Nation more secure. We think that is vitally important, and that is one of the reasons we elected this President and many, many people from my class as well.

Lastly, I want to talk about health care, something very near and dear to my heart.

For the past 6 years, I have lived the nightmare of ObamaCare. It has caused many, many physicians I know to quit, to give it up. ObamaCare has reduced us to data entry positions rather than

physicians who can listen and develop their clinical skills as we try to work with patients to solve their healthcare problems.

ObamaCare has led to consolidation of physician practices. It has led to high prices as well for insurance products. It has led to $12,000 deductibles for most families. It is no longer affordable. It is like having no insurance at all.

Eighty percent of Americans are not happy with the Affordable Care Act, but I want to assure the American public and my constituents that, for every 5 seconds I have spent thinking about repeal, I have spent 5 days thinking about replace.

Though quite often the press wants to talk about this as two separate books, this is one book in my life—a book of repealing and replacing as quickly and efficiently as possible.

I want to assure all my constituents back home that, if you are on an ObamaCare product right now, we are not pushing you off any cliff. We are going to give you a period of transition where you can have a truly affordable healthcare product that works for you without a $6,000 or $12,000 deductible.

We are a party of solutions. If you will look at Dr. PRICE's bills he submitted the last 6 years, you will see great alternatives and solutions that the party has presented. We do think there are good solutions out there.

Speaking of Dr. PRICE, I can't help but just stop and say we need to approve him, confirm him as quickly as possible. Dr. PRICE is a physician, an orthopedic surgeon from Georgia, who has served Congress in multiple ways, including leading the Budget Committee.

I have not met a man I would rather have serve as the Secretary of HHS than Dr. TOM PRICE, a mentor to me—a mentor to many of us—a kind man, a Godly man, a person who cares about patients, who understands health care, but he also understands government. Before we can take many more steps with health care, we need someone in that position. I believe with all my heart that Dr. PRICE will do a great job.

I look forward to continuing my next several weeks here working with the freshmen, working with the rest of Congress. We are so optimistic. We think that great days are ahead of us.

I am going to close with a memory today that I will have forever of going to the National Prayer Breakfast. I have had the privilege of going to many, many events, but this may have been the greatest event I ever attended in my life to see men and women, leaders across the world, praying for our President, praying for our Vice President.

I am just thrilled to be a part of this. I am proud to turn this country back in a positive direction.

Mr. COLLINS of Georgia. It is good to have Dr. MARSHALL here and be a part of bringing that vitality of someone in the health field, knowing and understanding that relationship between the patient and the doctor and finding the best way so that all can have that access. I think that is what we see.

He ended with something, and I will sort of end with that: the prayer breakfast. From my background as not only an Air Force chaplain but also a pastor for over 11 years, we can have disagreements. And we are going to have disagreements. But what I have found is, when you pray for each other, you can have disagreements, but you can't be mad.

I think that is what we have got to do as a country is we have our disagreements and we move forward and we look for what is best for the individuals and not best for what is this government.

I think that is what you brought to the table today and talked about, that passion to get it back to the individual who looks to Washington, knows it is there, and doing what the Constitution said, but not overreaching into the areas of their life that take them away from the things they want to do.

So I appreciate the gentleman's service. I appreciate him being here. It is going to be great as we go forward.

Mr. Speaker, we have gotten a fast start. There are some things going on where we are doing what we promised. I had an interview just the other day, and the reporter asked me the question: Well, what do you think about X? They named off like two or three things. I said: What is surprising right now to many folks who have reported on this place for so long is the fact that things are getting done and being promised to get done, and they are happening.

Mr. Speaker, that is what we are sent here for. And as we see that through the regulatory issues we have been dealing with this week, we are going to deal with again next week, and as we look ahead to the battles of repealing and putting together access to affordable health care for all Americans and not doing the scare tactics and not doing the straw man and not trying to push anybody off a cliff but saying: let's talk about this together; let's listen and work together, as opposed to the way it was done.

Then, we look into tax reform. We look into energy development. It is a time in America to be smiling. It is a time when we can look around and the rest of the world is saying: that is the country that we know. That is the shining light that we know. That is the place that the world looks to. Because we are the freest country in the world, and we gave our spirit to others.

□ 1645

So it is exciting for me, as part of my work for the Republican Conference, to bring the freshman Members up here to let them tell about their areas. And as we do so, it just shows you, I believe, that America, in many of these districts, saw promise. And we are looking forward to continuing with our new Members and continuing to introduce them over the next weeks.

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

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of Interior known as the Stream Protection Rule.

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, re-appoints the Senator from Vermont (Mr. Leahy) as a member of the Board of Regents of the Smithsonian Institution.

## RUSSIAN AGGRESSION AGAINST UKRAINE

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

Ms. KAPTUR. Mr. Speaker, the day after our new President spoke to the President of Russia, Vladimir Putin, we saw a surge in Russian aggression and attacks in eastern Ukraine. Every American must realize, Russia is testing our new administration's resolve to stand up for liberty.

Since Russia invaded Crimea in February 2014, 10,000 innocent Ukrainians have been killed by Russian aggression, and this has increased over the past week. Dozens more have been displaced—17,000, in fact.

These actions violated the 1994 Budapest Memorandum on Security Assurances that stated: the Russian Federation would respect the independent sovereignty and existing borders of Ukraine.

Russia's new aggression is another step in its campaign to undermine the democratic order that has existed in our Transatlantic Alliance since the end of World War II and cold war.

America must stand up for the people of Ukraine and our European alliances and denounce the actions of President Putin. We have to stand up or we face—Russia will face condemnation by the world community. Russia should withdraw her heavy weapons from that region. They should stop financing separatists. They should allow repairs for critical infrastructure and fulfill all of their agreements under the Minsk accords.

What is happening is a global shame.

## THE AMERICAN PHILOSOPHY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Maryland (Mr. RASKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RASKIN. Mr. Speaker, I am delighted to be here with my colleague PRAMILA JAYAPAL from Seattle, Washington. We wanted to talk about what has been happening over the last week with the executive orders on immigration and asylum that have taken place, and we want to try to take a broad perspective on this; to put it in some historical, legal and constitutional context; and then also to talk very specifically about the executive orders and what has been taking place with them in different parts of the country; and about the multiple Federal judicial rulings imposing injunctions on enforcement of those orders.

But I wanted to begin, actually, by stepping back from the heat of the current crisis and looking, instead, at the idea of America.

Well, what is the idea of America? America was created, as the great Tom Paine said, as a haven of refuge for people fleeing political and religious repression from all around the world.

Remember the radicalism of the American Revolution and our Declaration of Independence and our Constitution. We were the first Nation on Earth conceived in revolutionary insurgency against monarchy, dictatorship, autocracy, theocracy, and the merger of church and State.

The American colonists were rebelling against, not just the king and all of the whimsical depredations and abuses of the crown, but also against centuries of religious warfare in Europe between the Protestants and the Catholics, holy inquisition, holy crusades, witchcraft trials, endless wars between the Catholics and the Protestants.

Our forefathers and foremothers wanted to break from that history and put into our Constitution the separation of church and State—as Jefferson called it, the wall of separation between church and State, the establishment clause, the idea of free exercise of religion, freedom of speech, the right to petition for redress of grievances, the right of people to assemble, freedom of thought, freedom of conscience in the United States.

But it would be a land that would be open to people who were fleeing authoritarianism, who were trying to get away from repressive regimes, and kings, and monarchs, and princes, and tyrants, and dictators, and despots everywhere. That was the idea behind America.

Well, then in this Presidential campaign, then candidate Donald Trump said that he wanted to impose a Muslim ban, a ban on Muslims coming to America, which would cause our forefathers and foremothers to turn over in their graves to hear that somebody running for President of the United States wanted to impose a ban on the immigration of people based on their religious faith, in a country that was designed on the principle of free exercise of religion, designed on the principle of no establishment of religion, designed on the principle of no religious tests for public office or political participation that suddenly we would say we are not going to accept people—in the 21st century—based on their religious heritage.

And of course, anybody can make up their religion anyway. Anybody can say what they are. So it is as futile and as silly as it is anathema and apathetical to our basic constitutional ideals.

Well, that Muslim ban has, in its bizarre way, become law now in the United States of America. The President issued an executive order as one of his first actions on people coming to our country from Iran, Iraq, Libya, Syria, Somalia, Sudan, and Yemen, those seven countries. And we have got to interrogate what exactly the logic of this is.

The President and his chief strategists of the alt-right, named Steve Bannon, have defended this order on the grounds of national security. The idea is that somehow we are defending the national security and the defense by banning people from those countries.

All right, we all support national security. If that would advance our national security, it is something we should look at.

Well, what is the evidence that that is going to benefit our national security? Our country now is no stranger to terror and to terrorism. All of us remember that shocking, fateful day, 9/11, back in 2001, when America changed forever.

Those 19 hijackers came from three countries. And which three countries on this list of seven did they come from? None of them. Those hijackers came from Saudi Arabia. The overwhelming majority of them came from Saudi Arabia, then Egypt then United Arab Emirates.

None of those three countries is on this list of seven. Why not? Well, a couple of different theories are out there. One is that President Trump has business interests in those countries. He is doing business with corporations in Saudi Arabia, in Egypt, and in the United Arab Emirates. So that is one leading theory that is out there. The other is that these are rich and powerful countries. So despite the fact that they were the lead exporters from this prism of terrorist hijackers to the United States, they get a pass.

And instead, we pick on Yemen, and Somalia, and Iraq—our presumed ally—that another Republican President sunk hundreds of billions of dollars into waging a war based on the mythology that there were weapons of mass destruction in that country, but now they are on our side. Yet, we have imposed a ban of people coming in as refugees from Iraq. But Saudi Arabia gets a pass; Egypt gets a pass; United Arab Emirates gets a pass because they are on the rich side.

So what exactly do these seven countries have in common if it doesn't have anything to do with our national security? Because if you look at the other terrorist events that have taken place in our country, for example, the Boston Marathon bombers, those young men who were implicated in that crime against the people of the city of Boston and the people of the United States came from Russia originally.

Is there a ban on Russia being imposed here? Quite the contrary. Earlier today, President Trump relaxed sanctions on Russia, made it easier for American businesses to export information technology to Russian companies, according to news reports.

I haven't seen the exact order yet, but there is an executive order that is lessening sanctions on Russia, despite the fact that two of the most infamous terrorists against the United States originally came from there. So what do those seven countries have in common?

Well, they are all Muslim countries. They are poor Muslim countries. They are poor Muslim countries that Donald Trump doesn't do business with. And so maybe that is it. Maybe the idea is, we are going to wage a worldwide war on the poorest, most vulnerable Muslim countries, even if they don't pose any special threat to us, because that will conform to Steve Bannon's ideological world view of a major contest between the Christian west and radical Islamic terror.

I think that would be it. But President Trump, of course, puts his business interests even above the racism and White nationalism of Steve Bannon, because the business interests have to come first in all cases.

So that is the best that we can make of what has been imposed on the country, an Orwellian policy imposed with Kafkaesque incompetence all over the United States of America. So the airports are in an uproar, families have been dislocated, children agonized over the situation, panic spreading across America. And part of me wants to think, well, this is just the misfortunes of a beginning President. Maybe this is part of a design by Steve Bannon who has proclaimed himself a Leninist who wants to tear the system down, tear the government down; to start over again.

Maybe that is what is going on. Who knows? But all of this brings us back to the emoluments clause. Now the emoluments clause, Article I, section 9, clause 8 of the Constitution was inserted by our great Founders because they feared foreign monetary dominance of the United States Government.

They knew that kings and princes, dictators and despots, traitors and saboteurs all over the place would try to use their money to compromise the integrity of Republican government, Republican democracy.

Remember, we were trying something new here, what our great Republican President Abraham Lincoln would later come to call the ''government of the people, by the people, and for the people.''

That was the experiment that we launched then, and they knew that there was a basic problem, which is, the room will not hold all. We can't have a New England town meeting every time we need to make a decision, so we have got to elect people to go be our Governors.

But when you elect them, now you have got an agent. And the problem all of you lawyers know out there—in principal agent law—is how do you make sure the agent actually serves the client rather than the interests of the agent himself or herself?

And the Founders understood that, and they were afraid that the people who we elected might go to Washington and be corrupted by foreign money, by all of the diplomats and spies running around offering gifts, and gold, and snuffboxes, and diamonds, and so on. And so what they said was that no official in our government, no official could accept any gifts, or emolument, any payment of any kind at all from a foreign government, a king, a prince, or a foreign government. No foreign payments.

And that is something that has been observed scrupulously for more than two centuries by our Presidents. Nobody has even come close to the line of violating that.

When Benjamin Franklin was Ambassador to France, he received a snuffbox from the people of France. He came back, and he brought it to Congress and asked Congress to approve, because it is up to this body to decide whether or not a foreign payment is acceptable or not.

And Congress said: Mr. Franklin, because of your extraordinary reputation for integrity, for decency, and for honesty, we understand you have not been compromised by that snuffbox, and it is just a snuffbox, and you can keep it.

But today, what we have got now is a President who has hundreds of millions of dollars of interest all over the world—in Russia, in the Philippines—millions of dollars of loans from the Government of China, the Trump Hotel, which is renting out banquet rooms, dining halls, floors, hotel rooms, to foreign governments and embassies from all over the world who come here to try to influence our government.

And what do we hear about the emoluments clause? Has the President come to ask us whether or not we approve of these arrangements? Nothing. Nothing has happened. Is it affecting policy? Every single day.

And I come back—before I turn it over to my colleague—to what we are talking about, which is these executive orders which have this very bizarre quality, my fellow Americans.

□ 1700

They apply to poor Muslim countries where Donald Trump has no business interests. These executive orders don't apply to Saudi Arabia, they don't apply to Egypt, they don't apply to the United Arab Emirates, they don't apply to any of the countries where Trump Industries has business. That is precisely why the Founders put in the emoluments clause. I know it is a bit of a mouthful, but every American has got to learn to say it. All it means is payments. This is the foreign bribery clause in our Constitution.

These terrible immigration orders, which have created chaos and pandemonium across the land, are a perfect demonstration of why we need to enforce the emoluments clause and why this President needs to divest himself immediately of all these foreign concerns, or this Congress must hear the appeals that are coming from our side of the aisle and must listen to the fact that these payments that are being received on a daily basis by the President are a threat to the American constitutional order.

Mr. Speaker, I yield to the gentlewoman from Washington (Ms. JAYAPAL), my good friend and colleague from Seattle, Washington.

Ms. JAYAPAL. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN), my friend and colleague, and I thank my other colleagues also who are here today to shine a light on the abuses that happened last week and last weekend with the executive order that was passed and signed into law by this President.

Mr. Speaker, this order is in direct contrast with the values that this country was built on: foremost, to be a refuge. That is how so many people in the history of this country have come here. Instead, our President has chosen to close the doors on people who are fleeing violence in their home countries, and it is based on their religion.

This ban is discrimination in its purest form. It does not make us safer. In fact, Mr. Speaker, I believe that doing what we did has actually put fodder into the hands of those who really do wish to do us harm by being able to say that America hates Muslims, that America hates Islam, and that America hates immigrants and refugees, none of which is true to the history and the founding of this country.

The reality, Mr. Speaker, is that the International Rescue Committee has said that it is more challenging for refugees to get into the United States than anyone else. They are the most heavily vetted group there is. As you can see here, there are 20 steps involved in the process, and those who do get approved have been through the most rigorous background checks, fingerprinting, and questioning.

Instead of making us safer, this ban is simply throwing people into chaos. Many of us over this last weekend went to our airports across the country—Dulles; New York; Seattle, Washington, my hometown. We were called to the airport because there was chaos that erupted across the country, chaos that erupted at the airports, because people who had legal documents to come to the United States were coming in and being told that the executive order meant that they no longer could actually stay here in this country.

Mr. President, what happened then for me, when I went to the Sea-Tac Airport at 1 in the afternoon on Saturday, I found a Somali family who had been waiting, a U.S. citizen woman who had been waiting to be reunited with her husband. She believed that finally she was going to get to hold him in her arms. Instead, Mr. Speaker, what happened is that he was put on a plane and sent back to Heathrow, but perhaps somewhere else. We were not given any information about what was going to happen to that gentleman.

We found out that there were two additional individuals who were already put on a plane ready to be deported. We, along with the ACLU, the Northwest Immigrant Rights Project, and our governor, were able to file for a temporary restraining order. We were able to take that restraining order on our phone to the plane and say: Stop this plane.

That literally, Mr. Speaker, is how we were able to get those two people off of the plane. We were able to then get them legal counsel after much intervention.

Mr. Speaker, it should not be this way. This is a country that was built by immigrants. It is a country that has welcomed people from across the world to come here as a refuge, as a sanctuary. My State of Washington is one of the top States in the country for refugee resettlement. The reality is we are destroying the very principles of compassion, of humanity, of being a refuge, of building this country with immigrants and refugees.

Literally thousands of people came to the airport to say: We welcome refugees; we welcome immigrants.

This is not the America that we know and love. We are better than this.

This is not the first time I have had to fight against these illegal deportations. After 9/11, we had similar situations, not as bad as this, but we had the National Security Entry-Exit Registration System, NSEERS. It required that men from 25 Muslim and Arab countries were going to be fingerprinted and registered. This was under the Bush administration. At the time, Attorney General John Ashcroft said: You are either with the terrorists or you are with us.

That is a false choice, Mr. Speaker. The reality is that security and liberty do not oppose each other. They go hand in hand, and we cannot sacrifice one for the sake of the other.

Mr. Speaker, we were able to fight that, and we finally did end that special registration program, but now here we are again. We know the shame of history when we have not been on the right side of it. We know that in 1942, 125,000 Americans of Japanese ancestry were put into internment camps, and it took us a very long time to come back and apologize. Mr. Speaker, when we did, we said we will never do that

again. Yet, here we are for the first time again instituting a religious test as to who can get into this country.

Let us be clear that it is a Muslim ban. It does not mean that every single Muslim country necessarily has been targeted yet. But what it does mean is that Muslims are being scrutinized in a different way simply for being Muslim.

A constituent of mine called my office this week to tell me another very disturbing story, and she told me that I could tell it here on the floor. She was passing through immigration into Houston on her way back home from Seattle. Dr. Angelina Godoy was traveling back from Central America where she was doing research. She is a U.S. citizen. She said she was so alarmed by what happened to her that she wanted to call and get it on the record.

Angelina is a human rights professor and she has traveled through immigration many times. This was the first time she said she had experienced anything like this. Her immigration officer asked her about her political views. When she said that she was deeply concerned about the President's actions, he asked her why she wasn't concerned with all the refugees that were flooding into our borders. And he used that word ''flooding.'' When she said she didn't think that they were flooding in, he told her that she can't tell him that based on the fake news she is seeing on television.

Mr. Speaker, this is incredibly disturbing. Are we going to now check the views of every U.S. citizen who is coming into the our borders to see whether they agree with these executive orders or not?

Well, I am here to tell you that it may be the thought that fear and patriotism together is the way to suppress dissent. We will not be suppressed with fighting for the very values that make us great.

In cities around the country, what gives me hope is that people stood up to stand up against this hatred. The Muslim ban is unconstitutional, and we are standing here today to demand that it be repealed.

You can see here the chart that I referred to earlier. There are 20 steps that you must go through in order to be screened. Syrian refugees are probably the most screened individuals in our country today. And there are 5 million Syrian refugees who are pouring out of the country.

Mr. Speaker, this is not a time to turn our backs on them. This is a time to make sure that we are taking care of the women, the children, the families, the majority of refugees to this country who are women and children and families. The majority who have family members here that they are waiting to be reunited with, that is who we are talking about, Mr. Speaker.

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington (Ms. JAYAPAL) for their tremendous leadership. They have hit the ground running here in Congress in defense of our Nation's immigrants and refugees and for all who just seek to live the American Dream. So thank you very much for your leadership and for calling us together tonight.

Mr. Speaker, in his first week as President, Donald Trump issued an executive order essentially banning immigrants and refugees from the United States on the basis of religion. This action effectively shuts our gates to some of the most vulnerable people in the world fleeing danger and death.

This ban flies in the face of our fundamental values as Americans. It is, yes, morally reprehensible and will only serve to make the United States less safe. This executive order is also a direct threat to our national security. Banning Muslim immigrants and refugees only fuels ISIS propaganda by promoting the false idea that the United States is at war with Islam. This halfway ban is felt in our communities across the Nation.

In my district, one Iranian student at the University of California, Berkeley was not allowed to board the plane to return to the United States. She is now forced to withdraw from the semester. This is a disgrace.

Mr. Speaker, this Nation is and has been and will always be a Nation of immigrants. This ban and this President and his executive orders do not reflect our values. This is not who we are.

As the President's divisive ban was implemented, we witnessed thousands of Americans bring what I call ''street heat.'' Men, women, and children across the country stood up to the President and declared with one voice: Not on our watch.

These protests, the voice of the American people, give me hope. If we stand together and resist, we will prevail.

While the President continues his attack on immigrants, refugees, and Muslims, I vow to stand up for our communities with my colleagues with a clear message saying once again: This is not who we are. This Muslim ban is hateful, it is unconstitutional, and it is downright wrong.

Finally, let me just say that February is Black History Month. As an African American woman, I am reminded of the bans and exclusions of African Americans and my ancestors and the legacy of slavery where my ancestors were brought here in chains, built this country, and continued to fight for freedom and justice. As an African American, there is no way I can tolerate any ban on anyone seeking refuge in this great country.

Finally, and in conclusion, as a member of the Appropriations Committee, I just want to say that I am going to fight tooth and nail to prevent funding for these misguided anti-immigrant and anti-refugee policies.

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. BARRAGÁN).

Ms. BARRAGÁN. Mr. Speaker, last Saturday night, I was at Los Angeles International Airport. I went out to show unity and stand with those that stand against this ban. I think it is wrong. I think it is unconstitutional and unAmerican. But what I saw there was startling.

I want to tell you the story of Fatema. Fatema is a legal permanent resident. She got a notice in the mail that she was about to be sworn in to become a U.S. citizen on February 13. She was traveling with her 1-year-old son who is an American citizen. She was the victim and was being detained. Reports from lawyers on the ground were that she was being pressured to sign away her right to be a legal permanent resident right after they had sent somebody back, a student, who had a visa to be here.

□ 1715

I was there, along with one of my colleagues, JUDY CHU, fighting, trying to get to the detainee to make sure that she had access to an attorney. I asked to go to CBC, the Customs and Border Protection. Conveniently, they were shut down. They had closed the office.

So I asked somebody: Can you walk me down to the arrivals so I could talk to somebody?

They wouldn't do it. I got a telephone number. I called. None of my questions were answered. They wouldn't answer a single question: Were any of my constituents being detained? Could I get a lawyer to somebody?

They wouldn't even say yes or no. All I was told was I had to call this Washington, D.C., number—a 202 number. Now, it was Saturday night. It was 7 p.m. on the Pacific Coast.

I called. I left a message, asking for a return call. I didn't get one. I demanded, with my colleague, that we get a briefing privately, behind closed doors, outside the press. We didn't get one.

As a matter of fact, when I called back, I asked: Who is your manager? Who are you answering to?

She said: The President.

Oh. You have talked to Donald Trump?

It was really disturbing. And then she hung up on me—and I am a Member of the United States Congress. I couldn't get any answers to try to protect the very constituents that we fight for, the constituents whom we represent. It was very disturbing.

These immigration orders are unsettling, but they are also a disservice to the Customs and Border Protection when you don't give a heads-up, when you don't have a warning on how things are going to be carried out. This led to mass confusion not just at LAX, but at airports across the country.

I hear often that this affected just a small number of travelers, but it affected a lot more than that. We saw the

masses of people coming out. We saw lawyers who had to go down there and give their time. A shout-out to the ACLU and to the attorneys at public counsel and to so many other attorneys who went down there and gave their evenings, their time, and who have been standing up and fighting for people in court to get people to come back.

Just today, at Los Angeles International Airport, there was a press conference held to welcome back the one person who was allowed to come back—an Iranian citizen who was deported and sent back, who was forcibly removed on Friday night even though he had a legal right to be here. Hopefully we are going to hear more of these stories, but it shouldn't be that way. People should not show up at the airport and get on a flight in a country in which they have a right to be just to have to turn around and be sent back after being detained for hours on end. This isn't right.

As a Member of Congress, I will work to ensure that the Federal Government obeys the Constitution, respects our history as a nation of immigrants, and does not unlawfully target anyone because of one's national origin or faith.

Mr. RASKIN. I thank the gentlewoman.

Mr. Speaker, I yield to the distinguished Congresswoman from New York, YVETTE CLARKE.

Ms. CLARKE of New York. I thank the gentleman from Maryland and the gentlewoman from Washington State for hosting this very important Special Order hour.

Mr. Speaker, I rise to voice my outrage over Donald Trump's unconscionable, ill-conceived, horribly executed and implemented executive order that limits Muslim immigration and travel into the United States.

This order is an appalling affront to American interests. It is contrary to our ideals and values as a nation, and it flies in the face of our history and the core conviction of freedom from religious persecution that this Nation was built upon. It provides the fuel to our enemies and makes a mockery of our democracy and Constitution. Most importantly, it tears families apart by prohibiting people with valid travel documents from entering the country.

I saw this firsthand on Saturday when I visited JFK International Airport to witness the needless chaos and confusion that this order has created. One person who lives in my district who has been affected by this order is Dr. Kamal Fadlalla. Dr. Fadlalla is a Sudanese hospital resident in Brooklyn, New York. He is trained to save lives, not to take them. Yet, due to Donald Trump's egregious executive order, Dr. Fadlalla has been prevented from returning back to the United States to help heal our sick and save lives.

There is no justification for this shameful order, and it is no wonder that the Acting Attorney General, Sally Yates, risked her job and reputation rather than act as Donald Trump's enforcer. I commend Ms. Yates for her personal integrity and fidelity to our Constitution. Ironically enough, during her confirmation hearing, it was Donald Trump's own nominee for Attorney General who suggested that Ms. Yates maintain the integrity of the Department of Justice at all times and that she must refuse to enforce orders that were unconstitutional. This week, Ms. Yates made good on her answer to Senator SESSIONS and upheld her oath to faithfully uphold our Constitution.

For these reasons, I will proudly introduce a resolution that commends Ms. Yates for her act of moral courage and for her adherence to the dictates of the United States Constitution. I call on all of my colleagues to sign on to this resolution and for House leadership to schedule a vote to commend Ms. Yates. Most importantly, though, I call on Donald Trump to rescind this egregious order that harms our economy, that contravenes our values, and that endangers our national security.

I thank the gentleman and gentlewoman for yielding.

Mr. RASKIN. I thank the Congresswoman for her comments.

Mr. Speaker, I yield to the distinguished Congressman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank Congressman RASKIN, and I thank Congresswoman JAYAPAL.

Mr. Speaker, the truth is that the House of Representatives has tremendously benefited by these two awesome freshmen who have come in here like gangbusters. I am sure that my classmate and friend of many years from New York, Ms. YVETTE CLARKE, will agree with me that we are always trying to welcome these folks who have come straight off the campaign trail, because you really know how people are feeling when they come straight off the campaign trail—fresh. I am sure the Congressman from Rhode Island, DAVID CICILLINE, agrees.

The people of this country are fundamentally fair folks. Our countrymen and -women believe that everybody ought to be treated with dignity and respect. Yes, we believe that we have to have an economy that works for everybody. Absolutely true. We also believe that people should be treated based on their behavior, based on who they are, based on what they bring, not based on their race, their sex, their gender, their religion. In fact, this idea is enshrined in the Constitution.

The first clause of the First Amendment reads: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.'' Later on in the Constitution, it reads that Congress shall not impose any religious test for participating—serving—in public office.

In America, you don't have to have one religious belief or another. In America, you can be a Christian, a Muslim, a Jew, a Hindu, or of no faith whatsoever. You can be Baptist; you can be Methodist; you can be whatever you want to be. That is up to you, and it is a private matter. Americans basically understand that this is right because the Framers of the Constitution, people like Thomas Jefferson and others, looked over at some of the Colonies and even looked at some of the conflicts in Europe and said that we don't need to be mixed up—fighting—with each other over religion.

Now, the Framers got a lot of things wrong. They got women's rights wrong; they got race wrong; they got Native American rights wrong. There were many things that they needed to correct in this Nation.

As the great Thurgood Marshall said, we were defective from the start, and we needed to have civil wars and civil rights movements and other movements to make this country the country that it is today.

Yet one thing we did decently in the beginning is with regard to religious freedom—until now. Donald Trump is introducing a religious test for whether or not people can be a part of this American story.

Donald Trump claims: Oh, I don't have a Muslim ban.

Wait a minute, President Trump. Wasn't it you who, on December 7, 2015, said that you were calling for a ban on all Muslims who enter into the United States? Wasn't it you who said it multiple times throughout your campaign? Didn't you say you wanted to have a Muslim database for all of the Muslims who were in the country? Didn't you say you wanted to shutter mosques? You said these things, and now, all of a sudden, you are shy about saying that you are running a Muslim ban.

These people who say, oh, it is not a Muslim ban surprise me because I am, like, I thought you all were proud of it. I thought you were bragging about it. I thought it was how you rode your way into office—by appealing to people's fears and trying to whip up hostility among different Americans of different faiths and traditions. Yet now, all of a sudden, you are shy about saying what you are doing, which is a Muslim ban. Yes, it is a Muslim ban. Just because it doesn't ban every Muslim everywhere does not mean that the people who are banned are not banned because they are Muslim. That is exactly why they are banned. That is why they are banned.

He was asked on a TV program: Would you give preferential treatment to people of another faith?

He said: Yes, I would give preferential treatment to another faith.

He said it. It is on the record. So don't come telling me how there is no Muslim ban. There is one, and these people who bragged so much about it—I mean Trump and Bannon and all of the rest of them—should not act like there is not a Muslim ban now. There is a Muslim ban. It is a religious test for entry into this country. It is unconstitutional; it is immoral; and it is wrong.

I just want to say to all of my fellow Americans right now, if they can ban Muslims, they can ban Jews; if they can ban Jews, they can ban Seventh-day Adventists; if they can ban Seventh-day Adventists, they can ban Mormons; and if they can ban Mormons, they can ban Catholics. It is wrong, and we should stand up and say that it is wrong and immediately demand that it be repealed right away. I think this is absolutely critical that we do so.

I want to share a story for a moment longer, if the gentleman doesn't mind, because I know we have some really excellent speakers coming right behind me, and I want to yield to them as quickly as I can. I want to share a story about one of the families that has been affected in my own home State of Minnesota.

One person who was prevented from flying to United States this week is a little girl from Somalia whose mother came to Minneapolis as a refugee in 2013. This child was stuck in Uganda without her family because she hadn't been born by the time her mother was granted refugee status. When her mother, Samira, was given permission to come to the United States 4 years ago, she was told to leave her daughter behind with friends of the family in Uganda and apply for reunification in the United States. This little girl was supposed to fly to Minnesota and rejoin her family on Monday. Instead, her flight was canceled because of the Muslim ban.

President Trump is not making our country safer. President Trump is reinforcing the narrative of people who don't like our country.

What does ISIS ultimately say? That America is at war with Islam.

I am here to tell everybody on the planet that America is absolutely not at war with Islam or with any other religion. The American people are of a peaceful nation. The people who live in the United States want to live in harmony with all of the other people of the world; but this particular person who happens to occupy the Presidency doesn't reflect the values that we represent. He doesn't reflect who we are. The thing that he is doing is actually reinforcing the narrative of the people who would mean to do all of us harm no matter what religion we may be.

I just want to sit down now and say: For the sake of this young woman and for the sake of Samira's daughter, who is languishing in Uganda right now and who wants to be reunited with her family, may we please get rid of this ban and get rid of this unlawful executive order?

□ 1730

Mr. RASKIN. Mr. Speaker, I yield to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for organizing tonight's Special Order hour on this very important topic.

I join my colleagues in expressing my strong opposition to the President's Muslim ban, a religious test. It is the first time we have seen this in modern times.

We have been at war since 9/11 against terrorism, and our most urgent responsibility is to keep America safe, but President Trump's Muslim ban makes it harder to do this. The Muslim ban makes it harder to work with our allies. The Muslim ban makes it harder to recruit intelligence assets. The Muslim ban makes it harder to enlist allies in our fight against ISIS.

We should help people who are fleeing ISIS rather than slam the door in their faces. Instead, President Trump's Muslim ban likens these individuals to terrorists. This isn't a plan, and it won't keep America safe.

We need a real plan, a plan that honors our values and a plan that does not discriminate based upon a person's religion. We need a plan that keeps our country safe and respects freedom of religion, whether people are White, Black, Brown, Christian, Muslim, Jewish, young, or old. Immigrants and refugees have made incredible contributions to our great country, and it is time for our President to say this.

In my home State of Rhode Island, like so many places around the country, when we watched on television news reports of an executive order being issued and people who are lawfully authorized to return home to the United States being held in detention and being prevented from coming back into America, we were sick to our stomach.

People in Rhode Island rallied, like people did all across this country, to express their outrage, to say this is not America and these are not our values. This is inconsistent with our Constitution. While we saw this administration working to undo basic constitutional rights and civil liberties—including, most importantly, freedom of religion—people all across America spoke out.

In addition to recognizing that this didn't comport with our deeply held beliefs and faith and confidence in our Constitution, we also knew that these were families fleeing unspeakable violence as part of the refugee program who are also being denied access into the United States. People were fleeing ISIS and then coming to America only to have the door slammed in their faces.

As has been said, the refugee program that we have in place is the single most difficult way for someone to be allowed to enter the United States. It is a 10- or 12-step process.

If you go to the website, you can see what you have to go through to be authorized to come into the United States as a refugee, and included in that is a determination that you do not pose a danger to the national security or to the American people. So it is embedded in the process already. It is a process that takes anywhere from 18 to 24 months. It is a process which has been in place and has worked successfully. There hasn't been a single Syrian refugee who has been charged with having been engaged in any terrorist activity.

By the way, the world is facing the largest refugee crisis since World War II. The U.N. estimates that 4.9 million refugees have registered, and there are about 6 million total if you include those that aren't registered. Turkey has taken 2.7 million refugees. Lebanon has taken 1 million refugees. Jordan has taken 655,000 refugees. Iraq has taken 228,000 refugees.

Do you know how many the United States accepted last year? About 16,000. So, Mr. Speaker, we have a lot more to do to meet our responsibilities with respect to accepting refugees who go through this very rigorous process.

I am here tonight to speak out as loudly as I can against the executive order that ends the Syrian refugee program that has worked so successfully and that puts in place a Muslim ban that is making us less safe.

This isn't a Democratic or a Republican issue. There have been a number of Republicans who have knowledge that this is making us less safe. Senator LINDSEY GRAHAM and Senator JOHN MCCAIN said this may well do more to help terrorist recruitment than improve our security.

There are a number of other national security experts who have said this will not make us safer. There are a number of veterans organizations that have said the same. Business leaders have said the same.

This will not make us safer, and it has really brought the scorn of the world, as people have seen an America that has always stood for values of welcoming people and of diversity and being a place that people come to—like my great-grandfather did—to build a better life to suddenly be slamming its doors and instituting a test based on religion. It does violence to our history and to our Constitution.

I want to just ask the gentleman from Maryland (Mr. RASKIN), who is not just an ordinary lawyer, but a scholar, a professor of law, whether or not he has done an analysis as to the constitutionality of the President's Muslim ban.

There have been, I think, four courts now who have, in fact, entered orders invalidating key parts of these orders based on their assessment that they don't comport with our Constitution.

I ask the gentleman to share his assessment as to whether or not my view of this—and, I think, the view of these courts—is the correct one.

Mr. RASKIN. Mr. Speaker, I will be very brief here because a number of our colleagues from around the country are waiting to weigh in.

Let me just say that this executive order is like a bad issue spotter on a constitutional law final exam. It

is riddled with so many constitutional errors and violations, starting with the ban on religious free exercise, equal protection of the laws. The way it has been implemented has been draconian and Kafkaesque around the country, violating due process and the right to counsel, which has been the source of a lot of the successful constitutional litigation that has already taken place.

It hasn't even been out on the street for a week, and I think five or six Federal district courts have struck down different aspects of it. So it is a Pandora's box, and it is going to be the gift that keeps giving to constitutional lawyers across the country.

Again, we are urging the President just to withdraw it at this point.

Mr. CICILLINE. Mr. Speaker, I join my colleagues in urging President Trump to rescind both of these unconstitutional executive orders.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) as well as the gentlewoman from Washington State (Ms. JAYAPAL) for hosting this important Special Order hour. Congressman RASKIN and Congresswoman JAYAPAL are two of the newest members of the Congressional Progressive Caucus, and I want to express my gratitude for their leadership.

Mr. Speaker, last week, President Trump issued an executive order that violated America's basic commitment to projecting hope and tolerance around the world. With a stroke of his pen, he turned his back on a humanitarian crisis and shut the door on desperate families fleeing unspeakable violence. It has taken just 2 weeks for this administration to undermine our moral authority and weaken our role in promoting peace and stability in a volatile world.

In airports across the country, in streets of coastal cities and midwestern towns, in States that voted for Secretary Clinton and in States that voted for President Trump, the American people are expressing their outrage at the Muslim ban. Patriotic men and women are standing up for the compassionate, exceptional country we strive to be.

Religious leaders are standing up to say: This is not who we are.

Veterans are standing up to say: This is not what we fought for.

There was a time when Republican leadership stood with them. These two tweets to my right are a memorial to a time when Vice President PENCE and Speaker RYAN were prepared to publicly oppose policies they called un-American. Now, when faced with the reality of this policy, Speaker RYAN is choosing to support the ban. Our Vice President deleted his tweet. We had to search around to find the original tweet, and it is right over there.

The American people deserve better.

Let's be clear. The President's executive order makes America less safe. The only threat to America posed by Syrian refugees is to our conscience. Instead of protecting the homeland from terror, the President has gift-wrapped powerful propaganda for our enemies.

This is not just my opinion or the opinion of Democrats in Congress. This is what we have heard from dozens of national security experts from both parties. They are warning us that this executive order is a stain on our reputation and a setback for counterterrorism efforts around the world. Yet congressional Republicans remain silent.

Mr. Speaker, our democracy has endured and prospered for more than two centuries because of our system of checks and balances. Congress has a responsibility to act when the executive branch advances reckless and ill-conceived policies. We are failing to fulfill that duty by refusing to repeal the Muslim ban, by refusing to investigate the President's many conflicts of interest. And by refusing to stand up for America's most basic principles, my friends across the aisle are putting our global leadership and the integrity of our government at risk.

If ever there was a time to choose your country over your party, this is it.

Mr. RASKIN. Mr. Speaker, we have four more speakers. We have had an overwhelming response to the Progressive Caucus' Special Order on the executive orders here.

I yield to the gentleman from Wisconsin (Mr. POCAN).

Mr. POCAN. Mr. Speaker, I thank the gentleman from Maryland (Mr. RASKIN) and the gentlewoman from Washington State (Ms. JAYAPAL) for the Progressive Caucus' Special Order hour.

I was on the floor earlier today talking about my concerns very specifically around this, as it relates to the countries that were selected and the fact that these were not countries that were selected for any reason other than the fact that they are Muslim countries and that Mr. Trump has decided that they should be included.

What I want to talk about tonight is my district and how this affects it. We saw the crowds in New York, California, Chicago, Boston, and other big cities that have international airports and the activities this weekend; but in Madison, Wisconsin, we have had a very direct impact. We have 115 faculty, students, and staff, right now, impacted by this decision. In fact, there is one joint national Canadian-Iranian student who is in Brazil who has been advised not to come back.

What I want to do is read into the RECORD this statement. We are working on a case of someone who is an Iraqi national, and this is a letter written by someone who served with him in the military. I want to read this very quickly:

I am contacting you regarding John, an Iraqi national who earned a special immigration visa for his work with the U.S. Army over two different 3-year periods in Baghdad and another region of Iraq.

My personal acquaintance with him, where he is a translator in a small 12-man military training team I led. The recent executive order curtailing immigration from Iraq, along with six other countries, has halted his plan to emigrate with his family.

He and his fellow translators provided an invaluable service to the team. They braved the same dangers we all faced. They rode in the same vehicles, walked the same streets, met with the same people. The only difference is is they were unarmed and, after missions when we returned to secure FOBs, they had to return to live in their communities unprotected.

John was wounded while working with the U.S. Army, and he provided honorable service to the country for years.

This is who is the target of President Trump's executive order banning Muslims. This is wrong, and we need it to stop.

President Trump, rescind your order.

Mr. RASKIN. Mr. Speaker, the gentlewoman from Washington State (Ms. JAYAPAL) and I thank all of the Members who have come pouring out in response for this Progressive Caucus Special Order.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

□ 1745

Ms. SCHAKOWSKY. Mr. Speaker, refugees that are fleeing for their lives are not the enemy. Look at this 3-year-old Syrian boy, Aylan Kurdi, who washed up on a beach in Turkey. He and his older brother and his mother drowned. They were among, literally, thousands of people who drowned escaping the violence that was certain in their home country of Syria.

Now the President is trying to keep them out of our country. He is condemning more children like Aylan to their death with this executive order. And in face of this immoral action by the administration, I have witnessed the decency and generosity of people in my district. I was proud to join people of all faiths in rallies to support our refugees and our Muslim neighbors.

I was with lawyers who rushed to O'Hare Airport to offer assistance to those who suddenly are detained under the executive order.

I have received hundreds of letters. One was from a couple who had joined with 13 friends to welcome and provide assistance to a family that wanted to resettle from Syria. They had collected money. They had collected furniture. They had worked for over a year in order to make this happen, and they finally got word that they were actually going to get a family to come.

Then, on January 30, they got official word that the family would not be allowed to enter. And now they don't know what happened to that family.

Let me just read the end of that letter. He said:

Now we don't know what happened to the family. Because they are Syrian, they are indefinitely banned from the United States.

Meanwhile, we have a warm apartment and $12,000 waiting for them. We have rooms full of furniture stockpiled, and no way to get to them.

As a group of Chicagoans, as a second-generation American myself, we came together to aid a family in dire need and to affirm the quintessential American values of openness and inclusiveness.

I can't stop thinking about that couple, what they are telling their children right now, and where they will sleep tonight.

Turning our back on families and children who are fleeing a war is not our best strategic interest as a nation, nor is it in our best interest as decent human beings.

Thank you from Maria Demopolis, Chicago, Illinois.

Mr. RASKIN. Mr. Speaker, I yield to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I rise here to protest the deaths that are occurring, protest the horrible situation that our President has put upon us.

I include in the RECORD a letter that I have received from the University of California at Davis, and the Mayor of the City of Davis, California, who have so clearly laid out the impact that the immigration ban and the ban on refugees has put upon the university and the community.

[From Ralph J. Hexter, Interim Chancellor, University of California Davis, and Robb Davis, Mayor, city of Davis]

We have over 5000 international students and scholars at UC Davis, many of whom are actively questioning what future actions by this administration might mean for them. This is an incredibly disorienting time for all our international guests.

Here are some specific cases that illustrate challenges that students and scholars all over the country are facing at this time. These are specific to our community. (Note: as you know, F–1 status is for students at any degree level authorized to study in the US at accredited universities. J–1 can refer either to students or scholars in the US Visitor Exchange Program)

1. A former J–1 scholar from Iran is in the US arranging the move of his wife and son, while awaiting green card processing. He was to have left the US for final interviews and processing but is now uncertain. He has an appointment in UC Davis' Plant Sciences Department.

2. An Iranian PhD student who was to have started at UC Davis this spring (he was accepted), recently obtained his visa, was to arrive in March, 2017, to start classes April 4. His ability to start then is now in doubt. In addition, his proposed roommate, who is already here from Iran, was counting on him to share expenses. This person now finds himself in a difficult situation.

3. An Iranian F–2 (spouse of F–1) is concerned about her ability to change to F–1 status to become a student. She has been accepted at UC Davis.

4. An Iranian student applying for a Master's program in Engineering at UC Davis is asking about whether she should continue her application process.

5. The spouse of an F–1 student (F–2 status) is currently stuck outside the US and unable to be reunited with her family.

6. An Iranian F–1 PhD student, who started in Fall 2016 quarter had invited his father to visit. This student has a sister with two children in the US and she and they are American citizens. The father/grandfather had a visa interview scheduled in Yerevan, Armenia for February 8th so he could come on a tourist visa to visit the student son and daughter and grandchildren. His visa interview has now been canceled. Attached are the pictures of the two grandchildren he will not be able to see. He has not been able to see his daughter for five years.

7. Scholar advisors at UC Davis are being asked by scholars of these countries if it is safe to travel within the USA. The fact that scholars must ask this shows the fear that exists.

8. Departmental staff is questioning whether to admit students or invite scholars from these countries for summer and fall arrivals. There is much confusion.

9. A high profile scholar from one of the countries (his profile might put him at risk) was set to come to UC Davis to do research on responses to humanitarian abuses in his country. Because of the order, UC Davis was not permitted to provide him with documentation necessary to obtain a visa. These stories were gathered in the past 5 hours WITHIN the City of Davis and the University. We are a small city of 65,000.

The fact that Iranians are the main nationality represented comes as no surprise. UC Davis and the City of Davis are home to many Iranians and have been for a generation at least. The fact that the Trump Administration can point to NO attacks by Iranians on US soil or against US interests makes their exclusion seem particularly arbitrary and cruel to us.

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MAYOR DAVIS' LETTER TO GARAMENDI ON MUSLIM BAN

(By Vanguard Administrator)

REPRESENTATIVE GARAMENDI: Thanks for your interest in the challenges the City of Davis and UC Davis are facing in light of President Trump's executive order restricting entry for citizens from 7, predominantly-Muslim nations. UC Davis has 87 students or scholars from Iran, Iraq and Libya, with unknown numbers of Iranian faculty, family members and workers with permanent residency living in our City.

In addition, the following shows the large numbers of students and scholars from other predominantly Muslim countries currently at UC Davis. While these countries are not covered by the current Executive Order, students and scholars from them are very concerned about their future status and ability to travel home or receive visitors from home.

1. Bangladesh: 14 students, 9 scholars
2. Egypt: 14 students, 7 scholars
3. Indonesia: 147 students, 1 scholar
4. Malaysia: 49 students, 6 scholars
5. Morocco: 4 students, 1 scholar
6. Nigeria: 4 students, 2 scholars
7. Pakistan: 18 students, 14 scholars
8. Turkey: 31 students, 9 scholars

Beyond these numbers we have over 5000 students and scholars at UC Davis, many of whom are actively questioning what future actions by this administration might mean for them. This is an incredibly disorienting time for all our international guests.

Here are some specific cases that illustrate challenges that students and scholars all over the country are facing at this time. These are specific to our community. (Note: as you know, F–1 status is for students at any degree level authorized to study in the US at accredited universities. J–1 can refer either to students or scholars in the US Visitor Exchange Program)

1. A former J–1 scholar from Iran is in the US arranging the move of his wife and son, while awaiting green card processing. He was to have left the US for final interviews and processing but is now uncertain. He has an appointment in UC Davis' Plant Sciences Department.

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7. Scholar advisors at UC Davis are being asked by scholars of these countries if it is safe to travel within the USA. The fact that scholars must ask this shows the fear that exists.

8. Departmental staff is questioning whether to admit students or invite scholars from these countries for summer and fall arrivals. There is much confusion.

9. A high profile scholar from one of the countries (his profile might put him at risk) was set to come to UC Davis to do research on responses to humanitarian abuses in his country. Because of the order, UC Davis was not permitted to provide him with documentation necessary to obtain a visa.

These stories were gathered in the past 5 hours WITHIN the City of Davis and the University. We are a small city of 65,000.

The fact that Iranians are the main nationality represented comes as no surprise. UC Davis and the City of Davis are home to many Iranians and have been for a generation at least. The fact that the Trump Administration can point to NO attacks by Iranians on US soil or against US interests makes their exclusion seem particularly arbitrary and cruel to us.

Finally, I wanted to share with you a joint statement from Interim Chancellor Ralph Hexter and me to our campus and community. Thanks for helping us get the word out on the challenges that we are facing in light of the Executive Order.

A MESSAGE TO THE COMMUNITY ON THE IMMIGRATION EXECUTIVE ORDER:

Our city and university host over 5,000 international students, faculty members and scholars, as well as their families. Many of them come from nations with majority Muslim populations. These are our neighbors, friends and colleagues. They have faces and stories we know well. They contribute in myriad ways to our community and our university. They are part of us. We are deeply concerned by the impact of the recent executive order that restricts the ability of students, faculty, staff and other members of our community from certain countries to return to the United States if they are currently traveling or plan to travel abroad. The threat of the order and the order itself are already having impacts on people in our town and university, on their academic, professional and personal lives.

We understand it is the federal government's role to maintain the security of the nation's borders. However, this executive order's impact on our friends and colleagues is inconsistent with the values of our community. It has created uncertainty and fear that hurts the University of California, Davis, and the city of Davis.

We have long been deeply enriched by students, faculty, scholars and health care professionals from around the world—including the affected countries—coming to study, teach, research and make our lives richer and better. Any effort to make these valuable members of our community feel unwelcome is antithetical to our mission of expanding learning and generating new knowledge. Nothing, however, will cause us to retreat from the shared principles of community we have developed together, and to all of our friends from here and abroad, you have our commitment to welcome you.

Sincerely,

RALPH J. HEXTER,
*Interim Chancellor.*
ROBB DAVIS,
*Mayor, city of Davis.*

Mr. GARAMENDI. It is a terrible situation, but I do want to——

The SPEAKER pro tempore (Mr. BANKS of Indiana). The time of the gentleman from Maryland has expired.

Mr. RASKIN. Could we allow the gentleman to complete his statement just with 1 minute?

The SPEAKER pro tempore. The gentleman may ask unanimous consent to address the House for 1 minute.

Mr. RASKIN. I ask unanimous consent for just 1 minute to complete——

The SPEAKER pro tempore. Does the gentleman from California ask unanimous consent to address the House for 1 minute?

Mr. KING of Iowa. Mr. Speaker, reserving my right to object, I would just like to note that we knew where the clock was going on this, but I made a speech today in the Judiciary Committee, and I want to stand by my word and acknowledge the gentleman and not object so the gentleman can complete his statement.

Mr. RASKIN. I thank the gentleman. That is very gracious of the Congressman.

## HORRORS OF THE IMMIGRATION BAN

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

Mr. GARAMENDI. I will just finish this up very quickly. I think we need to look to where this problem emanates. It emanates from the President's adviser, Mr. Bannon. He has been at this for some time talking about the nature of America being a White nationalist nation. So if we look beyond the horror that this ban places, we need to look to where it emanates, Mr. Bannon, clearly this comes from him, and we need to focus our attention on what he has done to this Nation's values.

I yield to the gentleman from Maryland.

Mr. RASKIN. If the gentleman has a few seconds left, I would just say I know the distinguished Congressman KING is going to go, and then we have a couple more people who were left over from the Progressive Caucus Special Order who will stay for 1-minutes after.

## REQUEST TO ADDRESS THE HOUSE FOR 1 MINUTE

Mrs. LAWRENCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

Mr. KING of Iowa. Mr. Speaker, I do now object because I have been waiting for a half hour.

The SPEAKER pro tempore. Objection is heard.

## THE PRESIDENT'S EXECUTIVE ORDER IS NOT A MUSLIM BAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Iowa (Mr. KING) for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, I regret I wasn't able to work with all of the speakers here tonight they wanted to pack within that hour. I understand that they have prepared themselves to give this speech tonight, and there will be opportunities in each succeeding day. I just wanted to recognize their right to speak on this floor under the rules and be as lenient as I can, and also, of course, defending my own rights at the same time.

But I would acknowledge that we did have a discussion before the Judiciary Committee today, and I want this Congress to have the level of comity so that we can exchange ideas and bounce them off of each other. And I have long believed that if I can't sustain myself in debate, I have got two choices. One of them is go back and do more research and build enough information that I can to sustain myself; and the other is adopt the other fellow's position. I am not very inclined to do that, but I am inclined to listen to their positions.

So, as I have listened to these positions here for more than an hour here on the floor, things come to me and I hear these words recurring over and over again. I didn't get a full count on it, but I know I heard 7, 8, 10, or maybe even more, times saying that the President's executive order is a Muslim ban.

Now, looking through that executive order—and I haven't read it thoroughly word by word, but those who were vetting that executive order, to use that term, tell me the word ''Muslim'' is not used in that executive order. I am going to assert that is the case, that President Trump did not use the word ''Muslim'' in his executive order, and that the executive order is not a Muslim ban, but is a ban on travel from seven countries that are Muslim majority.

If it was his intention to try to block Muslims from coming into America, he would have started with Indonesia rather than Iraq and Syria and the war-torn countries.

So I will assert it is not a Muslim ban, except that the words ''Muslim ban'' are in the talking points of the Democrats, and they will repeat it over and over and over again, as if somehow they could amend the executive order to have the words ''Muslim ban'' in there so they can have their grievance to the executive order.

I saw this unfold on Friday, when the President issued his executive order. It was a big day, I admit. He has had a lot of executive orders, and they have been raining down pretty fast on this country, and I am glad of that.

We should objectively deal with the directive that is there. It is a temporary travel ban that focuses on the seven countries that President Barack Obama identified as the most dangerous countries, I call them terrorist-spawning countries. It is a prudent thing on the part of the President to temporarily suspend travel from those countries. I would have added a few more countries in the suspension of the travel to the United States.

It is his intention, and I think it is clearly stated within his executive order to evaluate the security circumstances coming from each of these countries and determine how we can have a better policy, especially to do extreme vetting on the travel people that are coming from not only these seven countries, but other countries that do send terrorists to us. And I won't start down that list, but we know it is extensive.

I will say some of the countries that are not on this list are Saudi Arabia, Pakistan, Afghanistan, and other countries that would be listed as Arab countries, but including Indonesia, which is the largest population of Muslims, but the lowest concentration of terrorist production per Islamic society that I know of in the world.

So I think this reflects the danger and the risk to Americans and a prudent approach to this. It is not only the ban on travel that is not a Muslim ban, not a Muslim ban—if I had to say that enough times to negate the times that that has been asserted here on the floor, I suppose I could; but we are going to hear it in the news every day because that seems to be what pays off politically.

The argument that it was a religious test; this executive order is not a religious test. It doesn't reference religion. In fact, when I have asked questions of the officials of the Obama administration, I have said to them: Why is it that Christians don't seem to be allowed into the United States as refugees under the Obama administration?

We saw one group that was 1,500-some-strong that had one Christian in there. So I traveled to Geneva, Switzerland, and sat down with the lead on UNHCR, the United Nations Council on

Refugees. And there, I believe her name is Kelly Clements, I asked: Do you determine when you are vetting refugees, what their religious is?

She says: Yes, we do.

And she said they had 115,000 refugees that they had run through their process that they had vetted.

And of those 115,000, I said, how many of them are Christians?

And she said: 15,000.

So the rest of them, roughly the 100,000, she said almost all of them would be Muslim.

But they fill out a form. They attest to their religion. They are in the database. We can identify Christians. They are the ones that are persecuted. They are the ones that are being targeted because of their religion. The Assyrian Christians, the Chaldean Christians, and then not Christians, but the Yazidis, they are the three groups that are targeted the most. We should establish an international safe zone for them in their neighborhood.

When the word comes out that these countries have accepted a list of refugees, such as Lebanon or Jordan, there are also countries that haven't accepted any significant number, like Saudi Arabia.

Why shouldn't the neighbors accept refugees, Mr. Speaker?

They are the ones that have the most security at stake. They are the ones that are most invested in trying to establish stability in that part of the world.

Don't we want people who have lived, say, in the Nineveh Plains region since antiquity to be close to home so that when security circumstances and economic circumstances settle down, they can come back to their homes where they have lived since antiquity?

Of course we do.

We see data from last year that says $64,000 is about the typical cost of resettling one refugee in the United States; $64,000. But that same amount of money will take care of a dozen people over in their neighborhood rather than one person here in America.

Why shouldn't we get a 12-to-1 return on the taxpayers' investment and help people in the region where they live so that they can go back to their homeland again and grow their families and grow their population and their industry and re-establish their roots rather than let ISIS push the Christians out of the Middle East and push the versions of Islam out that they hate the most?

If we take people out of there and resettle them in large numbers, we are giving them the region that they would like to have ethnically cleansed of the people they disagree with. So we are helping out their war effort by pulling people out of the way and bringing them here.

They need to stay close to home. Especially the young men need to take up arms and defend their own country.

I went over to the Middle East and I walked in that river of epic migration, that river of humanity that is flowing into Europe and has been flowing into Europe for 2 years, nearly solid. As I walked in that river of humanity, I asked them a lot of questions and I was able to communicate with them; sometimes an interpreter, sometimes hand signals, sometimes a word here or there of English or something else.

Here is what I asked them: Where are you going?

This was in Serbia. In my mind, as I watched them board the trains in Serbia—1,000 at a time and day and night, I might add—I would say: Where are you going?

Germany.

Do you have family there?

No.

Do you have friends there?

No.

Do you have a job there?

No.

What will you do?

I don't know.

How will you live?

Germany will take care of me.

That is the answer that I got over and over again. Eighty-one percent of that human river were, let's say, military-age males.

They left their family? They leave their family in Syria and Iraq to go into Europe? What responsible father does that when he should be home defending his country and defending his family?

They are not going because they are war refugees, for the most part. That wave is over. They are going primarily because they are economic refugees. They are economic refugees because we hang the carrot out in front of them and we say: Come to the United States. We will bring you over here and we will make sure that we take care of all of your needs. You don't have to worry about anything.

□ 1800

We are competing with countries like Germany, Austria, Sweden, and the Netherlands because they offer a standard of living. The law in Germany is that there is a baseline standard of living that every human being receives, work or not.

Angela Merkel says: Come to Germany, and we will take care of you.

I recall a 10-minute-and-49-second videotape of her in a townhall meeting speaking to a blonde German lady who stood up and said: Why are you doing this? They are killing us. They are raping us. They are taking German jobs. Why do you do this?

Chancellor Merkel's answer was: We cannot be ruled by fear, and your voice is a voice of fear.

So she just devalued or denigrated the voice of the grief-stricken German woman.

She said: We cannot stop them. We must take care of them. The violence that they are perpetrating against Germans is not going to be as great as that which we have perpetrated against others in our most recent history.

That is the statement, Mr. Speaker. The constitution in Germany says they have to accept refugees. We put that in there post-World War II. Because they had created so many, we required that they take them. In their law that they have written there is a baseline standard of living. The other part was Nazi guilt. So Chancellor Merkel opened that all up because of those roughly four reasons that I have given you, and 1.6 or so million poured into Germany.

The last two New Year's Eves have seen rape after rape after rape—many of them not even investigated—right there next to the dome of the Cologne Cathedral. It is an annual event now: New Year's Eve in Cologne, migrant men come and rape German women there. That is the last 2 years, and you hardly find that in the news unless you know where to look. I do look, and I talk to people over there.

This is not a Muslim ban. This is not a religious test. You can read the executive order and determine that. The difference is my constituents will check to see if I am telling them the truth. Others' constituents apparently don't hold them accountable. It has no reference to whatever color people are, whatever race they are, whatever ethnicity, or whatever the national origin—I guess in a way because it says if you are coming from these nations. I will agree, we have Iraqis who have helped us and saved American lives, and we have Afghans who have helped us and saved American lives. But, on balance, this has been blown completely out of proportion.

Here is another statement that was made about the refugees. This is a quote from the gentleman who spoke here, ''an executive order banning Muslims.'' Again, it is an executive order, and it bans travel from seven Muslim countries—primarily Muslim countries—but it bans Christians as well as Muslims coming from those countries. As for the Christians, I think we should have been allowed in because they are the ones who were targeted.

By the way, Egypt is not on this list, but the Christians were targeted there. They blew up the church where the Coptic Pope presides. I visited him there. They killed 50 or so Christians, and they have blown up churches all over the place. That is, by the way, Muslims attacking Christians, just for the record.

When the gentlewoman spoke here of the 3-year-old who washed up on the beach, that is the one that troubles me a lot. I saw that image. I watched that picture, and it went right into my heart like it did most everybody else in this country. That has been several weeks ago that America was mobilized by that little boy lying face down on the shores of the Mediterranean after the boat had capsized and many of them had drowned, including his father.

But it came out a couple of days ago that that family had been living in Turkey for 3 years, and that the father

of that little boy's sister had been sending money to them so that they could slip into Europe because the father needed a new set of teeth. They were motivated so the father could get dental work perhaps most likely in Germany. It wasn't because they were running from the war. They had stabilized themselves in Turkey for 3 years. They were going to Germany for the dental work of the father. That is a matter now of public record that has been exposed by Kerry Picket who did the research back on this and corroborated by a number of other news outlets as well.

So it isn't always what we see. It isn't always what it seems. The people who speak into the megaphone in the airports aren't always telling us the truth. We find out sometimes it is anything but the truth.

What is the truth is that there has been a tragic war in the Middle East, and it continues. The civilian population has been decimated in Syria, and there are refugees going in all directions. A lot of it is because we have created and we have allowed for a power vacuum—a power vacuum in Syria. That brought Putin into that power vacuum, and he was able to assert himself and, so far, at least, protect al-Assad. In doing so, we see the operations of the invasion that has come out of Baghdad and gone up towards Mosul and taken the east side of the river in Mosul. The west side is still held by ISIS.

I think that is a shortsighted strategy to have Shia militia, Iranian-supported Shia militia going in to take Mosul when Mosul is populated by Kurds in the suburbs and Sunni Muslims in the inner city. How are the Shias going to govern a city that doesn't, in any substantial way, include their population? So I am troubled by shortsighted decisions that don't seem to take into account the tribal connections that we know have been so much a part of the sectarian strife that has been a part of Iraq, Syria, and also Iran in the Middle East.

I want people to be self-determining. I want people to be able to determine their own government and rule their own countries. This is going to take a prudent knowledge of those tribes, and it is going to take input from them. We need to build alliances in the Middle East with the moderate Muslim countries that will join with us in bringing out stable governments that respect the autonomy of the populations that live within the various regions. That is the best solution that can come about, and it doesn't put a lot of American boots on the ground.

So I hope we can step back, Mr. Speaker, and take a deep breath and recognize it is not a Muslim ban, and it is not a religious test. But I want this statement to go into the RECORD with clarity, and that is that the President of the United States not only has the constitutional authority to bring about this suspension of travel from these seven countries because of security reasons, he is specifically authorized to do so by the United States Code, by Federal Law. So he is operating within the law; he is operating within the Constitution; and he is operating within the realms of prudence, at least on a temporary basis.

I am hopeful that the input that we have is an input that will help bring about the dialogue in this country. The debate we have here on the floor hopefully causes people to think about this, go back and read the executive order, look for the word Muslim or Muslim ban, look for any kind of religious test. There is none. But I think we ought to know.

I mentioned and didn't go deeply enough into this that when the executive branch of government, the USCIS in particular, and ICE included, when I asked them: When you have these applicants for refugees that you say you are vetting, then do you know what religion they are?

They say: No.

Do we ask them? No. We don't ask, but the information is there in the database at UNHCR, at the United Nations. They had vetted 15,000 Christians, and one got through in a list of 1,500. I think that was probably a mistake. I think there was a religious test for refugees under Obama, and I think it was a preference for Muslims, and it was discriminating against Christians.

I hope that we can have a stable policy that brings people relief, but I think the prudent one is give them a place to live in the Middle East, protect them, and create an international safe zone so that they can live in peace where they have lived since antiquity.

Mr. Speaker, I have addressed the topic of what I heard as I sat on the floor tonight. I really came to the floor here to speak in favor of Judge Neil Gorsuch.

Mr. RASKIN. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Maryland and welcome him to the United States Congress.

Mr. RASKIN. I thank you for your thoughtful comments tonight, and I think you made some good points. I think you effectively made the point that this is not, strictly speaking, a Muslim ban. It is not a ban on all Muslims entering the country. In the popular vernacular, the public has taken up basically what was the current President's language that he used during the campaign. So people are using it for kind of a shorthand.

But I want to ask you about the ban. It is not the case that there is no religious reference in the executive order because it does say that the religious minorities from those countries are given preference, and that would be the Christians in those countries.

One thing I think that does need to be corrected is thousands of Christians were admitted from the Muslim world under the Obama administration, and there was no discrimination. In fact, I think there were almost as many Christians admitted as Muslims.

But here is my real question for you. The 9/11 hijackers—which was the worst terrorist atrocity ever committed on our shores, thousands of Americans were killed, the country plunged into chaos—came from three countries: Saudi Arabia, Egypt, and the United Arab Emirates. All three of those countries where Trump Industries does business were exempted from the ban on the seven countries. Why? What is the policy justification for not including that?

None of the countries that are included in the ban produced any of the terrorist attacks that we saw in Orlando, in San Bernardino County, or any of the other ones. So how were those chosen and the source countries for the 9/11 attack exempted?

Mr. KING of Iowa. Reclaiming my time, in addressing both of those topics, the gentleman's data that says that more Christians than Muslims have been brought in as refugees, I have heard that as an Obama administration information that has come out. That doesn't match up with the data that I have seen when I traveled to places like Geneva and looked at that or looked at the data that came out before that release. The data up to that release indicated entirely the opposite which I have identified. And the data that came out in the last weeks of the Obama administration asserted that they had a significant number of Christians who were part of that.

I appreciate the gentleman's point that the executive order references religious minorities, and I appreciate that it does, because I think they are the ones that are targeted. But the gentleman's point about the origin of the terrorists who attacked us on 9/11 is an accurate point, and the largest number of them came from Saudi Arabia.

I would just assert that because Donald Trump has done business in three of those countries, I would be surprised if he didn't do business in a place like Dubai where they have developed a wonderland out of the desert, and his business in each of those countries. How many other countries has he done business in? I don't think we can correlate that. But what we can correlate is that these seven countries are the countries identified by the Obama administration.

So, maintaining my time, we can have conjecture on this back and forth. But the facts are that it is the Obama administration that identified these seven countries, and it is the Trump administration that brought them forward with the travel ban on them. I believe it is a coincidence that these other countries are places among many countries that Donald Trump has done business in.

I know that I only have about 7 minutes remaining to take up Judge Gorsuch, but I would yield to the gentleman briefly, simply out of the comity that we discussed earlier today.

Mr. RASKIN. Again, that is very gracious of you, and I appreciate the spirit with which you engage in this dialogue. I think it is something we really do need to get to the bottom of. To my knowledge, Trump Industries is not doing business in the poor Muslim countries that were targeted like Somalia, Libya, and so on, but perhaps I can be corrected.

In any event, the fact that he has done business in Saudi Arabia, in Egypt, and United Arab Emirates—in the wealthier Muslim countries—it may be logical as a matter of business practice, but I don't think that can become the basis for American foreign policy. I think that is the reason why this policy has created such outrage in America and around the world because it doesn't seem to have any national security logic to it. It is not about terrorism unless you can convince me that those seven countries actually generated terrorism.

Mr. KING of Iowa. Reclaiming my time, it is conjecture that any of the Trump businesses had anything to do with this decision. It is pure conjecture. If the argument is that Donald Trump didn't do business in Somalia, I wouldn't blame him one bit. If anybody watched ''Black Hawk Down'' then they would know a good reason. It is essentially a terrorist state in Somalia.

So I will thank the gentleman for his comments, and I am going to turn then to Judge Neil Gorsuch and see if I can make that point yet this evening, and it is this: We had this vacancy in the Supreme Court. It is a vacancy that is brought about by the tragic death of Justice Antonin Scalia, a man whom many of us have admired for a long time and enjoyed his friendship, his company, his sense of humor, his gregariousness, and also especially his dissenting opinions that were written for the law school students whom he always understood would have to read the dissent when they studied the cases. He wanted to write them in such a way that they would read them, hopefully enjoy them, and remember them. He has been a speaker before the Conservative Opportunity Society which I have chaired for some time, and he has done it a number of times. We really enjoyed his company. We had very engaging debates and discussions.

There is a huge hole in the United States Supreme Court created by the loss of Justice Scalia. I am grateful that we have taken serious time in filling that hole and seeing a nominee come forward that has the chance to grow into the shoes of Justice Scalia.

□ 1815

As I went to the White House a couple of nights ago to be there to witness the ceremony of the nomination of Judge Neil Gorsuch, we were all briefed on a lot of things that had to do with his bio. I am just quickly going to touch on some of the high points in Judge Gorsuch's bio.

His undergraduate school was Columbia University, with honors, Phi Beta Kappa; Harvard Law School, cum laude; a Truman Scholar, where he received his juris doctorate; then went to Oxford as a Marshall Scholar and received another doctoral degree, a Ph.D. in philosophy. Then he became a clerk for Justice White, and then, later on, for Justice Kennedy.

If he is confirmed, it will be, we think, the first time that there has been a clerk that became a Justice on the Supreme Court serving with the Justice whom he clerked for. So that is a unique component of Judge Gorsuch.

He is a man of the West. He has a strong work ethic and common sense. He is an outdoorsman. He loves to flyfish, and he raises animals in his barn at home.

His background, he was not born with a silver spoon in his mouth, but worked blue-collar jobs and worked his way up. We know that he accelerated his education very well.

For his 10 years on the bench, he clerked for the judge on the D.C. Circuit, and then from there, clerking for the Supreme Court Justices, whom I mentioned, White and Kennedy.

He was then appointed by George W. Bush on May 10, 2006, after a decade in private practice where he became a partner in a large law firm. They must have liked him there. They took him in as an associate, and he became a partner for a decade.

Then in his heart was that he wanted to be a judge, and he wanted to protect the Constitution and the rule of law. After a year at the Department of Justice, George W. Bush appointed him to the D.C. Circuit. There, he was confirmed by the United States Senate, without dissent, by a voice vote on July 20, 2006. He served for more than a decade as a district court judge. His record is stellar.

When I asked questions about Judge Gorsuch, I learned a number of things. One of them was that, of the 21 candidates that were listed by, first, President-elect Trump and, now, President Trump—he would draw from that list and nominate, and then seek confirmation and appoint from that list—each candidate was asked the question as they were interviewed: Who would you name for this position if it isn't going to be you?

A tough question.

So, it is like saying, I would interpret that as: Who do I think is second best? That is the only reason I would be there is if I thought I was the best choice. I would think that is what all of them must have thought as they were interviewed.

There were 21 candidates. You take one out of that number, because that is Judge Gorsuch himself. We don't know how he answered this question. When the other 20 were asked, if it is not to be you, who shall it be, everyone said Judge Neil Gorsuch.

There can't be a stronger endorsement than that. It shows a respect from all of his competing peers. I believe that they believe he will do the best and the clearest job of preserving, protecting, and defending our Constitution and read the letter of the Constitution and interpret it, as Judge Scalia did, to mean what it says and to be understood to mean what it says and was understood at the time of ratification of the body of the Constitution or the various amendments, whichever the case may be. That is the strongest and most profound.

When I asked the question what is his level of respect for stare decisis, the people who know him and studied him say he has more respect for the text of the Constitution than the decisions that have been made along the way. I think that he will recognize those decisions.

I asked that question, would he look into them to determine if that rationale has helped his rationale but always anchor it back to the Constitution and the original understanding. This is secondhand of the people that know him, but the best answer I can get from that is yes.

The next one is the Chevron doctrine. He has written about the Chevron doctrine. It is pretty clear that he thinks that the Chevron doctrine is unjustly created by the courts and that you shouldn't give administrators of undue legislative authority the benefit of the doubt.

So those things sound really good to me. I am looking forward to the confirmation hearings. Hopefully, an expeditious confirmation of Judge Gorsuch. I am very, very happy with the selection that President Trump has made, and I really appreciate what I saw there that night as I watched Judge Gorsuch.

In the middle of his speech, he turned and looked at his wife, Marie Louise, and there was that significant eye contact that told me that they are a bonded couple that are a team together. The friends of the family tell me she is more conservative than he is.

So I look forward to his confirmation. I think the President of the United States has made a terrific choice. Let's get the judicial branch of government up and running again, along with the executive branch, and let's keep up pace here in the House. We have got some work to do, too.

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

## OPPOSITION TO MUSLIM BAN

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

Ms. JAYAPAL. Mr. Speaker, I want to just conclude our earlier Special Order where many of my colleagues spoke out in strong opposition to the Muslim ban that was just signed by President Trump.

I would like to read a short paragraph from the letter that we have now

submitted to Secretary Kelly. It has been signed by over 110 of my colleagues in the House. It requests that we have an immediate emergency meeting and briefing. I include in the RECORD the entire letter, and I will just read a short portion.

''The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order 'harmful and hasty' noting 'America has the strongest, most successful resettlement program in the world.' Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing 'this measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American.' ''

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 1, 2017.*

Hon. JOHN F. KELLY,
*Secretary of Homeland Security, Department of Homeland Security, Washington, DC.*

SECRETARY KELLY: We write to strongly condemn the President's executive order issued January 27, 2017, titled ''Protecting the Nation From Foreign Terrorist Entry into the United States,'' and the ensuing actions taken by the U.S. Department of Homeland Security (DHS) and its agencies, in particular Customs and Border Protection (CBP), to implement the order, and to request an urgent briefing regarding the same. We hope you will urge the President to immediately rescind the Executive Order, which has created profound chaos and fear among refugees and immigrants who have been admitted to the United States, as well as their families. As a nation of immigrants that has been a refuge for people fleeing persecution from around the world, these actions are contrary to who we are as a nation.

We understand that you met yesterday at 4:30 PM with Chairs and Ranking Members of relevant Committees to discuss ''recent executive actions.'' You should understand that such a time limited meeting with a subset of Members and Senators in no way obviates the need for the briefing we are requesting for all Members. Such full Member briefings are a frequent occurrence on Capitol Hill after important events such as the issuance of the January 27 Executive Order. They allow all Members to benefit from the knowledge and experiences of the executive branch so that we may be well informed in our legislative and oversight affairs and serve our constituents best. The full Member briefing regarding the Executive Order is particularly needed given the unsettling events of last evening—the abrupt firing of Acting Attorney General Sally Yates and the termination without explanation of Daniel Ragsdale as acting Director of Immigration and Customs Enforcement (ICE). The need to brief the full Democratic.Caucus is also necessary as we now understand that guidance concerning the January 27 Executive Order has been provided to Members of the Republican Conference, but not the Democratic Caucus. According to yesterday's Washington Post, ''substantive guidance [concerning the Executive Order was given] to congressional Republicans . . . late Saturday. . . . In a two-page memo that offered some details on the policy . . .''.

The Executive Order harms our families, economy, and national security. Over the weekend, individuals—some of whom have been lawful permanent residents for decades—were found stranded outside the United States, leaving families in turmoil. Technology companies, including industry leaders like Microsoft, Google, and Apple, report that the Executive Order could directly impact their employees and hinder their ability to attract the best talent from around the world. In addition, the policy reflected in the Executive Order is counterproductive to our national security. We understand that scores of American diplomats stationed across the globe are drafting a formal ''dissent memo'' to register their objections, stating that the order will ''not achieve its aim of making our country safer'' and will instead result in a ''drop in international good will towards Americans and a threat to our economy.'' We need to develop relationships with Muslim countries and others seeking to combat terrorism. Unfortunately, the Order alienates many of the groups we need to have working alongside us.

The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order ''harmful and hasty'' noting ''America has the strongest, most successful resettlement program in the world.'' Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing ''[t]his measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American.'' The Order has resulted in widespread confusion, as hundreds of individuals have been improperly detained at our airports, at least four federal courts have issued stays concerning the Order, and protests have broken out at airports and other venues nationwide. At the time this letter was sent, 16 State Attorneys General have condemned the Executive Order.

In the interest of exercising proper Congressional oversight of DHS and CBP and of holding agencies accountable, we write to urgently request an emergency briefing this week with you and others at DHS and the Administration concerning the Executive Order. Among other things, we would like to receive the following, either at or in advance of the briefing:

Any DHS guidance, directive, or policy regarding interpretation and implementation of the Executive Order, specifically is it pertains to current visa holders seeking entry into the United States, visa applicants, lawful permanent residents, dual citizens, and U.S. citizens, as well as clarification on the status of the individuals from the seven designated countries in the Order who are applying for or renewing immigration benefits.

Details on individuals who have been prevented from entering the country, including the airport at which they arrived, location of detention, number provided with interpretation services, number who have been released broken down by airport, number of individuals who were sent back broken down by nationality, and a breakdown of the immigration status of those being detained and those who were sent back.

The manner in which DHS is complying with the various court-issued stays of removal, including the number of individuals who have been provided access to counsel.

What, if, any accommodations are being considered for interpreters and translators from the seven designated nations who have worked with our military and intelligence, as well as notable academics coming to do research in the U.S.

The manner in which the exceptions to the Executive Order's application with respect to ''religious minorities'' will be applied, particularly given Mr. Trump's series of statements concerning his preference for Christian refugees.

In addition, and among other things, we would like to be briefed by you on the accuracy of President Trump's assertion that the Executive Order can be justified because then-president Obama had ''banned visas for refugees from Iraq for six months'' in 2011. It is our understanding that in 2011 the Iraqi resettlement program was subject to a simple reduction for a short time while new security measures were added, In stark contrast, Mr. Trump's Executive Order calls for a suspension of all refugees, not just one category, in addition to suspending the Syrian program indefinitely.

For decades both Democratic and Republican Presidents have supported granting safe haven to families fleeing persecution, violence, terror, sexual slavery, and torture. At a time of unprecedented forced migration across the world, the need for American leadership in these areas has not subsided.

Given the urgency, widespread confusion and dangerous impact of the Executive Order, we would appreciate hearing from you as quickly as possible so that we may ensure the briefing occurs by no later than Friday, February 3. The lives and well-being of many individuals, as well as our ability to partner with foreign governments to fight terrorism, depends on it.

Sincerely,

JOHN CONYERS, Jr.
*Member of Congress.*
ZOE LOFGREN,
*Member of Congress.*
PRAMILA JAYAPAL,
*Member of Congress.*
(And an additional 111 Members of Congress.)

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES (at the request of Mr. MCCARTHY) for today on account of personal reasons.

Mr. HASTINGS (at the request of Ms. PELOSI) for today and February 3.

## PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON AGRICULTURE FOR THE 115TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
*Washington, DC, February 2, 2017.*

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

DEAR MR. SPEAKER: I am pleased to submit for printing in the Congressional Record, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on February 1, 2017.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

Sincerely,

K. MICHAEL CONAWAY,
*Chairman.*

RULE I.—GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House shall govern the procedure of the Committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable privileged motions in the Committee and its subcommittees. (See Appendix A for the applicable Rules of the U.S. House of Representatives.)

(2) As provided in clause 1(a)(1) of House Rule XI, each Subcommittee is part of the Committee and is subject to the authority and direction of the Committee and its Rules so far as applicable. (See also Committee Rules III, IV, V, VI, VII, VIII and XI, infra.)

(b) Authority to Conduct Investigations.—The Committee and its subcommittees, after consultation with the Chairman of the Committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under Rule X of the Rules of the House and in accordance with clause 2(m) of House Rule XI.

(c) Authority to Print.—The Committee is authorized by the Rules of the House to have printed and bound testimony and other data presented at hearings held by the Committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee and its subcommittees shall be paid from applicable accounts of the House described in clause 1(k)(1) of House Rule X in accordance with clause 1(c) of House Rule XI. (See also paragraphs (d), (e) and (f) of Committee Rule IX.)

(d) Vice Chairman.—The Member of the majority party on the Committee or Subcommittee designated by the Chairman of the full Committee shall be the vice chairman of the Committee or Subcommittee in accordance with clause 2(d) of House Rule XI.

(e) Presiding Member.—If the Chairman of the Committee or Subcommittee is not present at any Committee or Subcommittee meeting or hearing, the vice chairman shall preside. If the Chairman and vice chairman of the Committee or Subcommittee are not present at a Committee or Subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d) of House Rule XI.

(f) Publication of Rules.—The Committee's Rules shall be publicly available in electronic form and published in the Congressional Record not later than 30 days after the Chair is elected in each odd-numbered year as provided in clause 2(a) of House Rule XI.

(g) Joint Committee Reports of Investigation or Study.—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

RULE II.—COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) Regular Meetings.—Regular meetings of the Committee, in accordance with clause 2(b) of House Rule XI, shall be held on the first Wednesday of every month to transact its business if notice is given pursuant to clause 2(g)(3) of House Rule XI. The Chairman shall provide each Member of the Committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the Chairman or a majority of the Committee. (See paragraph (f) of Committee Rule XI for provisions that apply to meetings of subcommittees.)

(b) Additional Meetings.—(1) The Chairman may call and convene, as he or she considers necessary, which may not commence earlier than the third day on which Members have notice thereof after consultation with the Ranking Minority Member of the Committee or after concurrence with the Ranking Minority Member, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such additional meetings pursuant to the notice from the Chairman.

(2) A hearing or meeting may begin sooner than specified in clause (1) (in which case, the chair shall make the announcement specified at the earliest possible time) if the Committee so determines by majority vote in the presence of the number of Members required under the Rules of the Committee for the transaction of business.

(3) At least 24 hours prior to the commencement of a meeting for the markup of a measure or matter the Chair shall cause the text of such measure or matter to be made publicly available in electronic form.

(c) Special Meetings.—If at least three Members of the Committee desire that a special meeting of the Committee be called by the Chairman, those Members may file in the offices of the Committee their written request to the Chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the Majority Staff Director (serving as the clerk of the Committee for such purpose) shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House Rule XI. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Majority Staff Director (serving as the clerk) of the Committee shall notify all Members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

RULE III.—OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings and Hearings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the Committee or a Subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House Rule XI.

(b) Broadcasting and Photography.—Whenever a Committee or Subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall:

(1) To the maximum extent practicable the Committee shall provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings and shall maintain the recordings of such coverage in a manner that is easily accessible to the public.

(2) Be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI. When such audio and visual coverage is conducted in the Committee or Subcommittee, written notice to that effect shall be provided to each Member. The Chairman of the Committee or Subcommittee shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) Closed Meetings—Attendees.—No person other than Members of the Committee or Subcommittee and such congressional staff and departmental representatives as the Committee or Subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House Rule XI.

(d) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration (See Committee Rule VIII (e) relating to questioning a witness at a hearing). The time a Member may address the Committee or Subcommittee for any such purpose shall be limited to 5 minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) Meetings to Begin Promptly.—Subject to the presence of a quorum, each meeting or hearing of the Committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) Prohibition on Proxy Voting.—No vote by any Member of the Committee or Subcommittee with respect to any measure or matter may be cast by proxy.

(g) Location of Persons at Meetings.—No person other than the Committee or Subcommittee Members and Committee or Subcommittee staff may be seated in the rostrum area during a meeting of the Committee or Subcommittee unless by unanimous consent of Committee or Subcommittee.

(h) Consideration of Amendments and Motions.—A Member, upon request, shall be recognized by the Chairman to address the Committee or Subcommittee at a meeting for a period limited to 5 minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in Committee or Subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the Committee or Subcommittee or voted on until the requirements of this paragraph have been met.

(i) Demanding Record Vote.—

(1) A record vote of the Committee or Subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(2) The Chairman of the Committee or Subcommittee may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment. If the Chairman postpones further proceedings:

(A) the Chairman may resume such postponed proceedings, after giving Members adequate notice, at a time chosen in consultation with the Ranking Minority Member; and

(B) notwithstanding any intervening order for the previous question, the underlying

proposition on which proceedings were postponed shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(j) Submission of Motions or Amendments In Advance of Business Meetings.—The Committee and Subcommittee Chairman may request and Committee and Subcommittee Members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the Chairman and the Ranking Minority Member of the Committee or the Subcommittee twenty-four hours before a Committee or Subcommittee business meeting.

(k) Points of Order.—No point of order against the hearing or meeting procedures of the Committee or Subcommittee shall be entertained unless it is made in a timely fashion.

(l) Limitation on Committee Sittings.—The Committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(m) Prohibition of Wireless Telephones.—Use of wireless phones during a Committee or Subcommittee hearing or meeting is prohibited.

RULE IV.—QUORUMS.

(a) Working Quorum.—One-third of the Members of the Committee or Subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) Majority Quorum.—A majority of the Members of the Committee or Subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution, or other measure (See clause 2(h)(1) of House Rule XI, and Committee Rule IX);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g), 2(k)(5), and 2(k)(7) of House Rule XI;

(3) the authorizing of a subpoena as provided in clause 2(m)(3) of House Rule XI (See also Committee Rule VII); and

(4) as where required by a Rule of the House.

(c) Quorum for Taking Testimony.—Two Members of the Committee or Subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE V.—RECORDS.

(a) Maintenance of Records.—The Committee shall keep a complete record of all Committee and Subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes, which shall include a record of all Committee and Subcommittee action, a record of all votes on any question, and a tally on all record votes.

The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee and by telephone request and also made publicly available in electronic form within 48 hours of such record vote. Not later than 24 hours after adoption of an amendment to a measure or matter, the chair of the Committee shall cause the text of such amendment adopted thereto to be made publicly available in electronic form. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition; the name of each Member voting for and each Member voting against such amendment, motion, order, or other proposition; and the names of those Members present but not voting.

(b) Access to and Correction of Records.—Any public witness, or person authorized by such witness, during Committee office hours in the Committee offices and within 10 calendar days of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical, and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the Committee. Members of the Committee or Subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the Committee. The Committee or Subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the Committee or Subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed, unless the Committee or Subcommittee determines otherwise. The Committee or Subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) Property of the House.—All Committee and Subcommittee records (including hearings data, charts, and files) shall be kept separate and distinct from the congressional office records of the Members serving as Chairman. Such records shall be the property of the House, and all Members of the House shall have access thereto. The Majority Staff Director shall promptly notify the Chairman and the Ranking Minority Member of any request for access to such records.

(d) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House Rule VII. The Chairman shall notify the Ranking Minority Member of the Committee of the need for a Committee order pursuant to clause 3(b)(3) or clause 4(b) of such House Rule, to withhold a record otherwise available.

(e) Special Rules for Certain Records and Proceedings.—A stenographic record of a business meeting of the Committee or Subcommittee may be kept, and thereafter may be published, if the Chairman of the Committee, after consultation with the Ranking Minority Member, determines there is need for such a record. The proceedings of the Committee or Subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the Committee or Subcommittee.

(f) Electronic Availability of Committee Publications.—To the maximum extent feasible, the Committee shall make its publications available in electronic form.

RULE VI.—POWER TO SIT AND ACT.

For the purpose of carrying out any of its function and duties under House Rules X and XI, the Committee and each of its subcommittees is authorized to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings.

RULE VII.—SUBPOENAS AND OATHS.

(a) Issuance of Subpoenas.—In accordance with clause 2(m) of House Rule XI, a subpoena may be authorized and issued by a majority of the Committee or by the Chairman in consultation with the Ranking Minority Member. Such consultation shall occur at least 48 hours in advance of a subpoena being issued under such authority. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(b) Oaths.—The Chairman of the Committee, or any member of the Committee designated by the Chairman, may administer oaths to any witnesses.

RULE VIII.—HEARING PROCEDURES.

(a) Power to Hear.—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the Committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See Committee Rule VI and paragraph (f) of Committee Rule XI for provisions relating to Subcommittee hearings and meetings.)

(b) Announcement.—The Chairman of the Committee shall, after consultation with the Ranking Minority Member of the Committee, make a public announcement of the date, place, and subject matter of any Committee hearing at least 1 week before the commencement of the hearing. The Chairman of a Subcommittee shall schedule a hearing only after consultation with the Chairman of the Committee and the Ranking Minority Member of the Subcommittee. After such consultation, the Chairman of the Subcommittee shall consult the Chairmen of the other subcommittees and shall request the Majority Staff Director to make a public announcement of the date, place, and subject matter of such hearing at least 1 week before the hearing. If the Chairman of the Committee or the Subcommittee, with concurrence of the Ranking Minority Member of the Committee or Subcommittee, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman of the Committee or Subcommittee, as appropriate, shall request the Majority Staff Director to make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) Scheduling of Witnesses.—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the Chairman of the Committee or Subcommittee, unless a majority of the Committee or Subcommittee determines otherwise.

(d) Written Statement; Oral Testimony.—(1) Each witness who is to appear before the Committee or a Subcommittee, shall insofar as practicable file with the Majority Staff Director of the Committee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to Committee or Subcommittee Members, staff, and the news media. Insofar as practicable, the Committee or Subcommittee staff shall distribute such written statements to all Members of the Committee or Subcommittee as soon as they are received, as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to

brief summaries of their statements within the time allotted to them at the discretion of the Chairman of the Committee or Subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (b) of Committee Rule VII, the Chairman of the Committee, or any Member designated by the Chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony:

(i) a curriculum vitae;

(ii) disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current calendar year or either of the 2 preceding calendar years by the witness or by an entity represented by the witness; and

(iii) disclosure of the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government received during the current calendar year or either of the 2 preceding calendar years by the witness or by an entity represented by the witness.

Such statements, with appropriate redactions to protect the privacy of witnesses, shall be made publicly available in electronic form not later than 1 day after the witness appears.

(e) Questioning of Witnesses.—Committee or Subcommittee Members may question witnesses only when they have been recognized by the Chairman of the Committee or Subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for 5 minutes until such time as each Member of the Committee or Subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the Chairman of the Committee or Subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the Committee or Subcommittee determines otherwise, no Committee or Subcommittee staff shall interrogate witnesses.

(f) Extended Questioning for Designated Members.—Notwithstanding paragraph (e), the Chairman and Ranking Minority Member may designate an equal number of Members from each party to question a witness for a period not longer than 60 minutes.

(g) Witnesses for the Minority.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House Rule XI.

(h) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all Members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman of the Committee or Subcommittee shall, to the extent practicable, make available to the Members of the Committee any official reports from departments and agencies on such matter. (See paragraph(f) of Committee Rule XI.)

(i) Open Hearings.—Each hearing conducted by the Committee or Subcommittee shall be open to the public, including radio, television, and still photography coverage, except as provided in clause 4 of House Rule XI (See also paragraph (b) of Committee Rule III.). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the Committee or Subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(j) Hearings and Reports.—(1)(i) The Chairman of the Committee or Subcommittee at a hearing shall announce in an opening statement the subject of the investigation. A copy of the Committee Rules (and the applicable provisions of clause 2 of House Rule XI, regarding hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness upon request. Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman of the Committee or Subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full Committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted by a Member of the Committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (i) of this rule, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee or Subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. The Committee or Subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the Committee or Subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee or Subcommittee. In the discretion of the Committee or Subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The Committee or Subcommittee is the sole judge of the pertinence of testimony and evidence adduced at its hearings. A witness may obtain a transcribed copy of his or her testimony given at a public session. If given at an executive session, a transcribed copy of testimony may be obtained when authorized by the Committee or Subcommittee. (See paragraph (c) of Committee Rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

## RULE IX—THE REPORTING OF BILLS AND RESOLUTIONS

(a) Filing of Reports.—The Chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the Committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the Committee unless a majority of the Committee is actually present. A Committee report on any bill, resolution, or other measure approved by the Committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the Majority Staff Director of the Committee a written request, signed by a majority of the Committee, for the reporting of that bill or resolution. The Majority Staff Director of the Committee shall notify the Chairman immediately when such a request is filed.

(b) Content of Reports.—Each Committee report on any bill or resolution approved by the Committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of Committee and Subcommittee consideration of the measure, including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of each record vote on any amendment in the Committee and Subcommittee and on the motion to report the measure or matter, including the total number of votes cast for and against, and the names of Members voting for and against such amendment or motion (See clause 3(b) of House Rule XIII);

(5) the oversight findings and recommendations of the Committee with respect to the subject matter of the bill or resolution, as required pursuant to clause 3(c)(1) of House Rule XIII and clause 2(b)(1) of House Rule X;

(6) the detailed statement described in House Rule XIII clause 3(c)(2) and section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the Committee;

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding;

(9) an estimate by the Committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years) (see clause 3(d)(1) of House Rule XIII), together with—(i) a comparison of these estimates with those made and submitted to the Committee by any Government agency when practicable and (ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(10) a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member, Delegate, or Resident Commissioner who submitted a request to the Committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

(11) the changes in existing law (if any) shown in accordance with clause 3 of House Rule XIII;

(12) the determination required pursuant to section 5(b) of P.L. 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee;

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4);

(14) a statement regarding the applicability of section 102(b)(3) of the Congressional Accountability Act (P.L. 104–1);

(15) a statement indicating whether any provision of the measure establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program. The Statement shall at a minimum explain whether—

(A) any such program was included in any report from the Government Accountability Office to Congress pursuant to section 21 of P.L. 111–139; or

(B) the most recent catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (P.L. 95–220, as amended by P.L. 98–169), identified other programs related to the program established or reauthorized by the measure; and

(16) a statement estimating the number of directed rule makings required by the measure.

(c) Supplemental, Minority, Additional, or Dissenting Views.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, additional, or dissenting views, all Members shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such writing and signed views with the Majority Staff Director of the Committee. When time guaranteed by this paragraph has expired (or, if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with clause 2(l) of House Rule XI and clause 3(a)(1) of House Rule XIII), as filed by one or more Members of the Committee, shall be included within and made a part of the report filed by the Committee with respect to that bill or resolution.

(d) Printing of Reports.—The report of the Committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority, additional, or dissenting views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, additional, or dissenting views (and any material submitted under clause 3(a)(1) of House Rule XII) are included as part of the report.

(e) Immediate Printing; Supplemental Reports.—Nothing in this rule shall preclude—

(1) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, additional, or dissenting views has been made as provided by paragraph (c); or

(2) the filing by the Committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(f) Availability of Printed Hearing Records.—If hearings have been held on any reported bill or resolution, the Committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the Committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) Committee Prints.—All Committee or Subcommittee prints or other Committee or Subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the Chairman of the Committee or the Committee prior to public distribution.

(h) Post Adjournment Filing of Committee Reports.—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, additional, or dissenting views, that Member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the Chairman of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of House Rule XI without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least 7 calendar days and the report includes any supplemental, minority, additional, or dissenting views submitted by a Member of the Committee.

(i) Conference.—The Chairman is directed to offer a motion under clause 1 of House Rule XXII whenever the Chairman considers it appropriate.

RULE X.—OTHER COMMITTEE ACTIVITIES

(a) Authorization and Oversight Plan.—(1) Not later than February 15 of the first session of a Congress, the Chairman shall convene the Committee in a meeting that is open to the public to adopt its authorization and oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Oversight and Government Reform, to the Committee on House Administration, and the Committee on Appropriations.

(2) Each such plan shall include, with respect to programs and agencies within the committee's jurisdiction, and to the maximum extent practicable—

(A) a list of such programs or agencies with lapsed authorizations that received funding in the prior fiscal year or, in the case of a program or agency with a permanent authorization, which has not been subject to a comprehensive review by the Committee in the prior three Congresses;

(B) a description of each such program or agency to be authorized in the current Congress;

(C) a description of each such program or agency to be authorized in the next Congress, if applicable;

(D) a description of any oversight to support the authorization of each such program or agency in the current Congress; and

(E) recommendations for changes to existing law for moving such programs or agencies from mandatory funding to discretionary appropriations, where appropriate.

(3) Each such plan may include, with respect to the programs and agencies within the Committee's jurisdiction,—

(A) recommendations for the consolidation or termination of such programs or agencies that are duplicative, unnecessary, or inconsistent with the appropriate roles and responsibilities of the Federal Government;

(B) recommendations for changes to existing law related to Federal rules, regulations, statutes, and court decisions affecting such programs and agencies that are inconsistent with the authorities of the Congress under Article I of the Constitution; and

(C) a description of such other oversight activities as the Committee may consider necessary.

(4) In the development of such plan, the Chairman of the Committee shall coordinate with other committees of jurisdiction to ensure that programs and agencies are subject to routine, comprehensive authorization efforts.

The Committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(c) of House Rule X. The Committee shall include in the report filed pursuant to clause 1(d) of House Rule XI separate sections summarizing the legislative and oversight activities of the Committee under House Rule X and House Rule XI, a summary of the authorization and oversight plan submitted by the Committee under clause 2(d) of House Rule X, a summary of actions taken and recommendations made with respect to the oversight and authorization plan, and a summary of any additional oversight activities undertaken by the Committee and any recommendations made or actions taken thereon.

(b) Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Budget Act Compliance: Views and Estimates (See Appendix B).—Not later than 6 weeks after the President submits his budget under section 1105(a) of Title 31, United States Code, or at such time as the Committee on the Budget may request, the Committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) Budget Act Compliance: Recommended Changes.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations

and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

(e) Conference Committees.—Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall, after consultation with the Ranking Minority Member, determine the number of conferees the Chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause 11 of House Rule I, the names of those Members of the Committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The Chairman shall, to the fullest extent feasible, include those Members of the Committee who were the principal proponents of the major provisions of the bill as it passed the House and such other Committee Members of the majority party as the Chairman may designate in consultation with the Members of the majority party. Such recommendations shall provide a ratio of majority party Members to minority party Members no less favorable to the majority party than the ratio of majority party Members to minority party Members on the Committee. In making recommendations of Minority Party Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

(f) Hearing on Waste, Fraud, and Abuse.—(1) The Committee, or a Subcommittee, shall hold at least one hearing during each 120–day period following the establishment of the Committee on the topic of waste, fraud, abuse, or mismanagement in Government programs which the Committee may authorize.

(2) A hearing described in subparagraph (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the Committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

(g) Hearing on Agency Financial Statements.—The Committee or a Subcommittee, shall hold at least one hearing in any session in which the Committee has received disclaimers of agency financial statements from auditors of any Federal agency that the Committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

(h) Hearing on GAO High-Risk-List.—The Committee or a Subcommittee, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the Committee may authorize are at high risk for waste, fraud, and mismanagement, known as the 'high-risk-list' or the 'high-risk series'.

(i) Activities Report.—(1) Not later than January 2 of each odd-numbered year, the Committee shall submit to the House a report on the activities of the Committee. After adjournment sine die of the last regular session of a Congress, or after December 15 of an even-numbered year, whichever occurs first, the Chair may file the report, a copy of which shall be made available to each Member of the Committee for at least 7 calendar days, with the Clerk of the House at any time.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of House Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken with respect thereto.

RULE XI.—SUBCOMMITTEES

(a) Number and Composition.—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of Members set forth in paragraph (c) of this rule, including ex officio Members.[1] The Chairman may create additional subcommittees of an ad hoc nature as the Chairman determines to be appropriate, subject to any limitations provided for in the House Rules.

(b) Ratios.—On each Subcommittee, there shall be a ratio of majority party Members to minority party Members which shall be consistent with the ratio on the full Committee. In calculating the ratio of majority party Members to minority party Members, there shall be included the ex officio Members of the subcommittees and ratios below reflect that fact.

(c) Jurisdiction.—Each Subcommittee shall have the following general jurisdiction and number of Members:

General Farm Commodities and Risk Management (23 members, 13 majority and 10 minority)—Policies, statutes, and markets relating to commodities including barley, cotton, cottonseed, corn, grain sorghum, honey, mohair, oats, other oilseeds, peanuts, pulse crops, rice, soybeans, sugar, wheat, and wool; the Commodity Credit Corporation; risk management policies and statutes, including Federal Crop Insurance; producer data and privacy issues.

Commodity Exchanges, Energy, and Credit (16 members, 9 majority and 7 minority)—Policies, statutes, and markets relating to commodity exchanges; agricultural credit; rural development; energy; rural electrification.

Conservation and Forestry (16 members, 9 majority and 7 minority)—Policies and statutes relating to resource conservation, forestry, and all forests under the jurisdiction of the Committee on Agriculture.

Nutrition (23 members, 13 majority and 10 minority)—Policies and statutes relating to nutrition, including the Supplemental Nutrition Assistance Program and domestic commodity distribution and consumer initiatives.

Biotechnology, Horticulture, and Research (16 members, 9 majority and 7 minority)—Policies, statutes, and markets relating to horticulture, including fruits, vegetables, nuts, and ornamentals; bees; and organic agriculture; policies and statutes relating to marketing and promotion orders; pest and disease management; bioterrorism; adulteration and quarantine matters; research, education, and extension; and biotechnology.

Livestock and Foreign Agriculture (16 members, 9 majority and 7 minority)—Policies, statutes, and markets relating to all livestock, poultry, dairy, and seafood, including all products thereof; the inspection, marketing, and promotion of such commodities and products; aquaculture; animal welfare; grazing; foreign agricultural assistance and trade promotion.

(d) Referral of Legislation.—

(1)(a) In General.—All bills, resolutions, and other matters referred to the Committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the Committee. After consultation with the Ranking Minority Member, the Chairman may determine that the Committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the Committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the Committee.

(2) The Chairman, by a majority vote of the Committee, may discharge a Subcommittee from further consideration of any bill, resolution, or other matter referred to the Subcommittee and have such bill, resolution, or other matter considered by the Committee. The Committee having referred a bill, resolution, or other matter to a Subcommittee in accordance with this rule may discharge such Subcommittee from further consideration thereof at any time by a vote of the majority Members of the Committee for the Committee's direct consideration or for reference to another Subcommittee.

(3) Unless the Committee, a quorum being present, decides otherwise by a majority vote, the Chairman may refer bills, resolutions, legislation, or other matters not specifically within the jurisdiction of a Subcommittee, or that is within the jurisdiction of more than one Subcommittee, jointly or exclusively as the Chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the Chairman for the purpose of considering the matter and reporting to the Committee thereon, or make such other provisions deemed appropriate.

(e) Participation and Service of Committee Members on Subcommittees.—(1) The Chairman and the Ranking Minority Member shall serve as ex officio Members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The Chairman and the Ranking Minority Member may not be counted for the purpose of establishing a quorum.

(2) Any Member of the Committee who is not a Member of the Subcommittee may have the privilege of sitting and nonparticipatory attendance at Subcommittee hearings or meetings in accordance with clause 2(g)(2) of House Rule XI. Such Member may not:

(i) vote on any matter;

(ii) be counted for the purpose of establishing a quorum;

(iii) participate in questioning a witness under the 5-Minute Rule, unless permitted to do so by the Subcommittee Chairman in consultation with the Ranking Minority Member or a majority of the Subcommittee, a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) Subcommittee Hearings and Meetings.—(1) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and make recommendations to the Committee on all matters referred to it or under its jurisdiction after consultation by the Subcommittee Chairman with the Committee Chairman. (See Committee Rule VIII.)

(2) After consultation with the Committee Chairman, Subcommittee Chairmen shall set dates for hearings and meetings of their subcommittees and shall request the Majority Staff Director to make any announcement relating thereto. (See paragraph (b) of Committee Rule VIII.) In setting the dates, the Committee Chairman and Subcommittee Chairman shall consult with other Subcommittee Chairmen and relevant Committee and Subcommittee Ranking Minority Members in an effort to avoid simultaneously scheduling Committee and Subcommittee meetings or hearings to the extent practicable.

(3) Notice of all Subcommittee meetings shall be provided to the Chairman and the Ranking Minority Member of the Committee by the Majority Staff Director.

(4) Subcommittees may hold meetings or hearings outside of the House if the Chairman of the Committee and other Subcommittee Chairmen and the Ranking Minority Member of the Subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the Committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of Committee meetings under paragraph (a) of Committee Rule II and special or additional meetings under paragraph (b) of Committee Rule II shall apply to Subcommittee meetings.

(6) If a vacancy occurs in a Subcommittee chairmanship, the Chairman may set the dates for hearings and meetings of the Subcommittee during the period of vacancy. The Chairman may also appoint an acting Subcommittee Chairman until the vacancy is filled.

(g) Subcommittee Action.—(1) Any bill, resolution, recommendation, or other matter forwarded to the Committee by a Subcommittee shall be promptly forwarded by the Subcommittee Chairman or any Subcommittee Member authorized to do so by the Subcommittee.

(2) Upon receipt of such recommendation, the Majority Staff Director of the Committee shall promptly advise all Members of the Committee of the Subcommittee action.

(3) The Committee shall not consider any matters recommended by subcommittees until 2 calendar days have elapsed from the date of action, unless the Chairman or a majority of the Committee determines otherwise.

(h) Subcommittee Investigations.—No investigation shall be initiated by a Subcommittee without prior consultation with the Chairman of the Committee or a majority of the Committee.

RULE XII.—COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) Committee Budget.—The Chairman, in consultation with the majority Members of the Committee and the minority Members of the Committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee and subcommittees. After consultation with the Ranking Minority Member, the Chairman shall include an amount budgeted to minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) Committee Staff.—(1) The Chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the minority. The professional and clerical staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See clause 9 of House Rule X)

(2) The Ranking Minority Member of the Committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of Committee staff pursuant to any primary or additional expense resolution, the Chairman shall ensure that each Subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See clause 6(d) of House Rule X).

(c) Committee Travel.—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff regarding domestic and foreign travel (See clause 8 of House Rule X). Official travel for any Member or any Committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Committee Member and any Committee staff member in connection with the attendance of hearings conducted by the Committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of Members and Committee staff seeking authorization.

(2) In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections, and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to the Committee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection, or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose, and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the Committee shall make an itemized report to the Chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the Chairman with the Committee on House Administration and shall be open to public inspection.

RULE XIII.—AMENDMENT OF RULES

These Rules may be amended by a majority vote of the Committee. A proposed change in these Rules shall not be considered by the Committee as provided in clause 2 of House Rule XI, unless written notice of the proposed change has been provided to each Committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the Rules of the Committee shall be published in the Congressional Record within 30 calendar days after its approval.

ENDNOTE

[1]The Chairman and Ranking Minority Member of the Committee serve as ex officio Members of the Subcommittees. (See paragraph (e) of this Rule).

## PUBLICATION OF COMMITTEE RULES

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 115TH CONGRESS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
*Washington, DC, February 2, 2017.*

Hon. PAUL D. RYAN,
*Speaker of the House,*
*Washington, DC.*

DEAR MR. SPEAKER: I respectfully submit for publication, the attached copy of the rules of the U.S. House of Representatives, Committee on Veterans' Affairs for the 115th Congress which were approved via voice vote by the Full Committee on January 31, 2017.

Sincerely,

DAVID P. ROE, M.D.,
*Chairman.*

JURISDICTION OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

Rule X of the Rules of the House of Representatives establishes the standing committees of the House and their jurisdiction. Under that rule, all bills, resolutions, and other matters relating to the subjects within the jurisdiction of any standing committee shall be referred to such committee. Clause 1(s) of Rule X establishes the jurisdiction of the Committee on Veterans' Affairs as follows:

(1) Veterans' measures generally.

(2) Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad (except cemeteries administered by the Secretary of the Interior).

(3) Compensation, vocational rehabilitation, and education of veterans

(4) Life insurance issued by the Government on account of service in the Armed Forces.

(5) Pensions of all the wars of the United States, general and special.

(6) Readjustment of servicemembers to civil life.

(7) Servicemembers' civil relief.

(8) Veterans' hospitals, medical care, and treatment of veterans.

RULE 1—GENERAL PROVISIONS

(a) APPLICABILITY OF HOUSE RULES.—The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies

are available, are non-debatable privileged motions in Committees and subcommittees.

(b) SUBCOMMITTEES.—Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chairman of the full Committee is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(d) VICE CHAIRMAN.—Pursuant to clause 2(d) of Rule XI of the Rules of the House, the Chairman of the full Committee shall designate the Vice Chairman of the Committee.

RULE 2—REGULAR AND ADDITIONAL MEETINGS

(a) REGULAR MEETINGS.—The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(b) ADDITIONAL MEETINGS.—The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) NOTICE.—The Chairman shall notify each Member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the Ranking Minority Member, or in such Member's absence, the next ranking minority party member of the Committee.

RULE 3—MEETINGS AND HEARINGS GENERALLY

(a) OPEN MEETINGS AND HEARINGS.—Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of Rule XI of the Rules of the House.

(b) ANNOUNCEMENT OF HEARING.—The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date, in accordance with Rule XI, clause 2(g)(3)(B) of the Rules of the House of Representatives. In the latter event, the Chairman or the subcommittee Chairman, as the case may be, shall consult with the Ranking Minority Member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(c) WIRELESS TELEPHONE USE PROHIBITED.—No person may use a wireless telephone during a Committee or subcommittee meeting or hearing.

(d) MEDIA COVERAGE.—Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4(f) of House rule XI as follows:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobe lights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) If requests are made by more of the media than will be permitted by a committee or subcommittee chair for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the Members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

(e) REQUIREMENTS FOR TESTIMONY

(1) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours (exclusive of weekends and holidays) in advance of his or her appearance, or at such other time as designated by the Chairman after consultation with the Ranking Member, a written statement of his or her proposed testimony. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the Chairman. Each witness shall limit any oral presentation to a summary of the written statement.

(2) Pursuant to clause 2(g)(5) of Rule XI of the Rules of the House:

(A) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness and related to the subject matter of the hearing.

(B) The disclosure required by this Rule shall include the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing and the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(f) CALLING AND QUESTIONING WITNESSES

(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the Ranking Minority Member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes, In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the Ranking Minority Member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) Non-Committee Members may be invited to sit at the dais for and participate in Committee hearings with the unanimous consent of all Members present. Further, non-Committee Members may be recognized for questioning of witnesses but only after all Committee Members have first been recognized.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

(g) SUBPOENAS.—Pursuant to clause 2(m) of Rule XI of the Rules of the House, subpoenas may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(h) NOTICE REQUIREMENTS

(1) The text of all bills or resolutions for markup, and any amendments in the nature of a substitute to such bills or resolution to be first recognized by the Chairman, shall be made available, via written or electronic notice, to Committee members at least 48 hours prior to a scheduled markup, except as agreed to by unanimous consent.

(2) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment proposed to a bill or resolution under consideration by the Committee, or proposed to an amendment in the nature of a substitute noticed under paragraph (1), unless a written or electronic copy of such amendment has been delivered to each Member of the Committee (or subcommittee for purposes of subcommittee markups) at least 24 hours before the meeting at which the amendment is to be proposed, and such amendment is in compliance with subsection (i) of this rule. This paragraph may be waived by unanimous consent and shall apply only when the 48-hour written notice has been provided in accordance with paragraph (1).

(i) CONGRESSIONAL BUDGET OFFICE SCORING.—The Committee shall not include any bill or resolution for consideration during a Committee markup which is not accompanied by an accounting from the Congressional Budget Office of the mandatory and discretionary costs or savings associated with such bill or resolution.

The accounting from the Congressional Budget Office need not be official, but is expected to provide Committee members with an approximation of the budgetary impact a bill or resolution may have prior to any vote to favorably forward or report such bill or resolution. The requirements of this paragraph may be waived by a majority of Committee members, a quorum being present.

RULE 4—QUORUM AND RECORD VOTES; POSTPONEMENT OF PROCEEDINGS

(a) WORKING QUORUM.—A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(b) QUORUM FOR REPORTING.—No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(c) RECORD VOTES.—A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(d) PROHIBITION AGAINST PROXY VOTING.—No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

(e) POSTPONING PROCEEDINGS.—Committee and subcommittee chairmen may postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and may resume proceedings within two legislative days on a postponed question after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE 5—SUBCOMMITTEES

(a) ESTABLISHMENT AND JURISDICTION.

(1) There shall be four subcommittees of the Committee as follows:

(A) Subcommittee on Disability Assistance and Memorial Affairs, which shall have legislative, oversight, and investigative jurisdiction over compensation; general and special pensions of all the wars of the United States; life insurance issued by the Government on account of service in the Armed Forces; cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior; burial benefits; the Board of Veterans' Appeals; and the United States Court of Appeals for Veterans Claims.

(B) Subcommittee on Economic Opportunity, which shall have legislative, oversight, and investigative jurisdiction over education of veterans, employment and training of veterans, vocational rehabilitation, veterans' housing programs, transition of servicemembers to civilian life, civil service reform and other employee related issues at the Department of Veterans Affairs, and servicemembers civil relief.

(C) Subcommittee on Health, which shall have legislative, oversight, and investigative jurisdiction over the Veterans Health Administration (VHA) including medical services, medical support and compliance, medical facilities, medical and prosthetic research, homeless programs, and major and minor construction.

(D) Subcommittee on Oversight and Investigations, which shall have oversight and investigative jurisdiction over veterans' matters generally, and over such matters as may be referred to the subcommittee by the Chairman of the full Committee for its oversight or investigation and for its appropriate recommendations. The subcommittee shall have legislative jurisdiction over information technology and procurement generally, and over such bills or resolutions as may be referred to it by the Chairman of the full Committee.

(2) Each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(b) VACANCIES.—Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

(c) RATIOS.—On each subcommittee, there shall be a ratio of majority party members to minority party members, which shall be consistent with the ratio on the full Committee.

(d) REFERRAL TO SUBCOMMITTEES.—The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate. In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

(e) POWERS AND DUTIES

(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so, shall notify the Chairman and the Ranking Minority Member of the Committee of the subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Non-Committee Members may be invited to sit at the dais for and participate in subcommittee hearings with the unanimous consent of all Members present. Further, non-Committee Members may be recognized for questioning of witnesses but only after all subcommittee Members have first been recognized for questioning.

(5) Each subcommittee shall provide the Committee with copies of such record votes taken in subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—GENERAL OVERSIGHT RESPONSIBILITY

(a) PURPOSE.—Pursuant to clause 2 of Rule X of the Rules of the House, the Committee shall carry out oversight responsibilities. In order to assist the House in—

(1) Its analysis, appraisal, evaluation of—

(A) The application, administration, execution, and effectiveness of the laws enacted by the Congress, or

(B) Conditions and circumstances, which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) Its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 5, shall have oversight responsibilities as provided in subsection (b).

(b) REVIEW OF LAWS AND PROGRAMS.—The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(c) OVERSIGHT PLAN.—Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission

to the Committee on House Administration and the Committee on Oversight and Government Reform, in accordance with the provisions of clause 2(d) of Rule X of the Rules of the House.

(d) OVERSIGHT BY SUBCOMMITTEES.—The existence and activities of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees of the Committee on Veterans' Affairs for carrying out oversight duties.

RULE 7—BUDGET ACT RESPONSIBILITIES

(a) BUDGET ACT RESPONSIBILITIES.—Pursuant to clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(1) Its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(2) An estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

RULE 8—RECORDS AND OTHER MATTERS

(a) TRANSCRIPTS.—There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(b) RECORDS.—

(1) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of Rule XI of the Rules of the House and shall be available for public inspection at reasonable times in the offices of the Committee.

(2) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which a recorded vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3 or clause 4 of Rule VII of the Rules of the House, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(d) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE 9—TRAVEL

(a) REQUIREMENTS FOR TRAVEL.—All requests for travel, funded by the Committee, for Members and staff in connection with activities or subject matters under the general jurisdiction of the Committee, shall be submitted to the Chair for approval or disapproval. All travel requests should be submitted to the Chair at least five working days in advance of the proposed travel. For all travel funded by any other source, notice shall be given to the Chair at least five working days in advance of the proposed travel. All travel requests shall be submitted to the Chair in writing and include the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to occur.

(3) The names of the locations to be visited and the length of time to be spent in each.

(4) The names of members and staff of the Committee for whom the authorization is sought. Travel by the minority shall be submitted to the Chair via the Ranking Member.

(b) TRIP REPORTS.—Members and staff shall make a written report to the Chair within 15 working days on all travel approved under this subsection. Reports shall include a description of their itinerary, expenses, and activities, and pertinent information gained as a result of such travel.

When travel involves majority and minority Members or staff, the majority shall submit the report to the Chair on behalf of the majority and minority. The minority may append additional remarks to the report at their discretion.

(c) APPLICABILITY OF HOUSE RULES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 10—FACILITY NAMING

(a) FACILITY NAMING.—No Department of Veterans Affairs (VA) facility or property shall be named after any individual by the Committee unless:

(1) Such individual is deceased and was:

(A) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(B) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(C) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(D) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(2) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual. Evidence of a Member's support in writing may either be in the form of a letter to the Chairman and Ranking Member or cosponsorship of legislation proposing to name the particular VA facility in question.

(3) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal.

(b) The above criteria for naming a VA facility may be waived by unanimous consent.

## ADJOURNMENT

Ms. JAYAPAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, February 3, 2017, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

449. A letter from the Alternate OSD FRLO, Office of the Secretary, Department of Defense, transmitting the Department's final rule — End Use Certificates (EUCs) [Docket ID: DOD-2017-OS-0004] (RIN: 0790-AJ05) received January 30, 2017, 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.

450. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's joint final rule — Community Reinvestment Act Regulations (RIN: 3064-AD90) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

451. A letter from the Associate General Counsel for Legislation and Regulations, Office of Housing — Federal Housing Commissioner, Department of Housing and Urban Development, transmitting the Department's Major final rule — Federal Housing Administration: Strengthening the Home Equity Conversion Mortgage Program [Docket No.: FR-5353-F-03] (RIN: 2502-AI79) received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

452. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Wyoming [EPA-R08-OAR-2016-0521; FRL-9959-15-Region 8] received January 31, 2017, 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.

453. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Interstate Transport for Utah [EPA-R08-OAR-2016-0588; FRL-9959-18-Region 8] received January 31, 2017, 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.

454. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS [EPA-R09-OAR-2014-0812; FRL-9958-82-Region 9] received January 31, 2017, 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.

455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) [EPA-HQ-OAR-2016-0646; FRL-9958-70-OAR] received January 31, 2017, 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.

456. A letter from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting the Department's final rule — Revisions to Sudan Licensing Policy [Docket No.: 160901810-6810-01] (RIN: 0694-AH10) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

457. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rules — Revised Inspection of Records and Related Fees [Docket No.: EP 737] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Government Reform.

458. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Standardized Bycatch Reporting Methodology [Docket No.: 1512-01999-6969-02] (RIN: 0648-BF51) received January 31, 2017, 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.

459. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Removal of Vessel Upgrade Restrictions for Swordfish Directed Limited Access and Atlantic Tunas Longline Category Permits [Docket No.: 160531477-6999-02] (RIN: 0648-BG10) received January 31, 2017, 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.

460. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 16 [Docket No.: 160706587-6999-02] (RIN: 0648-BG21) received January 31, 2017, 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.

461. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Revisions to Framework Adjustment 55 to the Northeast Multispecies Fishery Management Plan [Docket No.: 160929900-6900-01] (RIN: 0648-XE927) received January 31, 2017, 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.

462. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2016-2018 Atlantic Bluefish Specifications; Correction [Docket No.: 151130999-682603] (RIN: 0648-XE336) received January 31, 2017, 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.

463. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No.: 151130999-6225-01] (RIN: 0648-XF049) received January 31, 2017, 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.

464. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Witch Flounder Trimester Total Allowable Catch Area Closure for the Common Pool Fishery [Docket No.: 151211999-6343-02] (RIN: 0648-XF030) received January 31, 2017, 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.

465. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's modification of fishing seasons — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #6 Through #21 [Docket No.: 151117999-6370-01] (RIN: 0648-XE680) received January 31, 2017, 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.

466. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Atlantic Highly Migratory Species; North Atlantic Swordfish Fishery [Docket No.: 120627194-3657-02] (RIN: 0648-XF062) received January 31, 2017, 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.

467. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Georges Bank Cod Trimester Total Allowable Catch Area Closure and Possession Prohibition for the Common Pool Fishery [Docket No.: 151211999-6343-02] (RIN: 0648-XF133) received January 31, 2017, 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.

468. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Annual Catch Limit [Docket No.: 151215999-6960-02] (RIN:0648-XF071) received January 31, 2017, 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.

469. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of Connecticut [Docket No.: 150903814-5999-02] (RIN: 0648-XF096) received January 31, 2017, 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.

470. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's temporary rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts [Docket No.: 150916863-6211-02] (RIN: 0648-XF108) received January 31, 2017, 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.

471. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Monkfish; Framework Adjustment 9 [Docket No.: 150306232-6736-02] (RIN: 0648-BE96) received January 31, 2017, 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.

472. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2016 [Docket No.: 160301167-6658-02] (RIN: 0648-BF89) received January 30, 2017, 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.

473. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Department's final rule — Adjustment of Civil Penalties for Inflation for FY 2017 [NRC-2016-0165] (RIN: 3150-AJ82) received January 30, 2017, 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.

474. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rules — Rules Relating to Board-Initiated Investigations [Docket No.: EP 731] received January 31, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

475. A letter from the Director, Office of External Affairs, Economic Development Administration, Department of Commerce, transmitting the Department's final rule — Regional Innovation Program [Docket No.: 160615526-6999-02] (RIN: 0610-AA68) received January 30, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Science, Space, and Technology.

## 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. CALVERT (for himself, Mr. ROYCE of California, Mr. BUCHANAN, Mr. BISHOP of Michigan, Ms. TITUS, Ms. MCCOLLUM, Mr. MARINO, and Ms. ROYBAL-ALLARD):

H.R. 816. A bill to amend the ICCVAM Authorization Act of 2000 to improve reporting about animal testing and alternative test method use by Federal agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. BUTTERFIELD, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COHEN, Mr. COURTNEY, Mr. DANNY K. DAVIS of Illinois, Ms. DELAURO, Mr. GALLEGO, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS, Ms. KELLY of Illinois,

Mr. LANGEVIN, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. POCAN, Ms. SCHAKOWSKY, Mr. TONKO, Mr. WELCH, Mr. CONYERS, Mr. ELLISON, Mr. ESPAILLAT, Mrs. LAWRENCE, and Ms. SHEA-PORTER):

H.R. 817. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. POE of Texas (for himself and Mr. COSTA):

H.R. 818. A bill to safeguard the Crime Victims Fund; to the Committee on the Budget, and in addition to the Committees on Rules, 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.

By Mr. COLLINS of Georgia (for himself, Mr. GOHMERT, Mr. CARTER of Georgia, Mr. FARENTHOLD, Mr. JODY B. HICE of Georgia, Mr. ALLEN, and Mr. GAETZ):

H.R. 819. A bill to amend the Internal Revenue Code of 1986 to prohibit aliens in an unlawful immigration status from claiming the earned income tax credit; to the Committee on Ways and Means.

By Mr. MCCAUL (for himself, Ms. SPEIER, Mr. BUTTERFIELD, and Mr. KELLY of Pennsylvania):

H.R. 820. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Ms. PELOSI, Mr. NEAL, Mr. DOGGETT, Mr. LEVIN, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. BEN RAY LUJÁN of New Mexico, Mr. LARSON of Connecticut, Ms. SÁNCHEZ, Mr. GUTIÉRREZ, Mr. PASCRELL, Mrs. DINGELL, Mr. MEEKS, Ms. NORTON, Mr. SOTO, Mr. DANNY K. DAVIS of Illinois, Mr. KHANNA, Ms. ESTY, Mr. BUTTERFIELD, Ms. SCHAKOWSKY, Mrs. LAWRENCE, Mr. KENNEDY, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. HOYER):

H.R. 821. A bill to amend the Internal Revenue Code of 1986 to increase the child credit for children under the age of 6, and for other purposes; to the Committee on Ways and Means.

By Mr. NEAL (for himself, Ms. PELOSI, Ms. DELAURO, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Ms. SÁNCHEZ, Ms. SEWELL of Alabama, Mr. KEATING, Ms. NORTON, Ms. FUDGE, Ms. SCHAKOWSKY, Ms. CLARK of Massachusetts, Mr. KENNEDY, Mr. HOYER, Mr. DOGGETT, Ms. DELBENE, and Mr. COHEN):

H.R. 822. A bill to amend the Internal Revenue Code of 1986 to make improvements in the earned income tax credit; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Ms. PELOSI, Mr. NEAL, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CARTWRIGHT, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELANEY, Ms. DELAURO, Ms. DELBENE, Mr. DEUTCH, Mr. ELLISON, Ms. ESTY, Mr. GALLEGO, Mr. GARAMENDI, Mr. HASTINGS, Mr. HIGGINS of New York, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. TED LIEU of California, Mr. LOEBSACK, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. POCAN, Mr. PRICE of North Carolina, Miss RICE of New York, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. HOYER, Mr. SHERMAN, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Ms. TITUS, Mrs. TORRES, Mr. VEASEY, Mrs. WATSON COLEMAN, Mr. BLUMENAUER, Mr. HECK, Ms. SLAUGHTER, Ms. KAPTUR, Ms. SHEA-PORTER, Ms. HANABUSA, and Mr. PAYNE):

H.R. 823. A bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Missouri:

H.R. 824. A bill to amend title 23, United States Code, to prohibit expenditure of certain transportation and infrastructure funds for a project located in a sanctuary jurisdiction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GOSAR (for himself, Mr. POLIS, Mr. FRANKS of Arizona, Mr. THOMPSON of California, Mr. AMODEI, Mr. BIGGS, Mr. CARTWRIGHT, Mrs. COMSTOCK, Mr. COOK, Mr. COSTA, Mr. DEFAZIO, Ms. DELBENE, Mr. GRIJALVA, Mr. HUFFMAN, Mr. LABRADOR, Mr. LAMALFA, Mr. LOWENTHAL, Mr. PERLMUTTER, Mr. SCHRADER, Mr. SCHWEIKERT, Ms. SINEMA, Mr. TIPTON, and Mr. PEARCE):

H.R. 825. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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. DAVIDSON (for himself and Mr. BUDD):

H.R. 826. A bill to require the head of each executive agency to relocate such agency outside of the Washington, D.C., metropolitan area, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. VARGAS:

H.R. 827. A bill to establish certain conservation and recreation areas in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. TIBERI (for himself, Mr. KIND, Mr. MEEHAN, Mr. NEAL, Mr. RENACCI, Mr. AGUILAR, Mr. SMITH of Missouri, Ms. SEWELL of Alabama, Mr. PAULSEN, Ms. DELBENE, Mr. REICHERT, Mr. COOPER, Ms. JENKINS of Kansas, Mr. MOULTON, Mr. STIVERS, Mr. LARSON of Connecticut, Mr. LANCE, Mr. POLIS, Mr. SENSENBRENNER, Mr. KHANNA, Mr. RODNEY DAVIS of Illinois, Mr. YODER, Mr. KILMER, Mr. ROUZER, Mr. SOTO, Mr. MARCHANT, Mr. BLUMENAUER, Mr. UPTON, Mr. HIMES, Mr. COLLINS of New York, Mr. O'HALLERAN, and Mr. PERRY):

H.R. 828. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Ways and Means.

By Mr. UPTON:

H.R. 829. A bill to amend title XIX of the Social Security Act to clarify the treatment of lottery winnings and other lump sum income for purposes of income eligibility under the Medicaid program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. KINZINGER, Mr. BILIRAKIS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BURGESS, Mr. CICILLINE, Mr. COHEN, Mr. CONNOLLY, Mr. COSTA, Mr. DELANEY, Ms. DELBENE, Mr. FITZPATRICK, Mr. HARRIS, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. LEVIN, Mr. LIPINSKI, Mr. MEEHAN, Mr. PASCRELL, Mr. RUSH, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mrs. WAGNER, and Mr. WEBER of Texas):

H.R. 830. A bill to contain, reverse, and deter Russian aggression in Ukraine, to assist Ukraine's democratic transition, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and 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. BOST (for himself, Mr. COSTA, Mr. MARSHALL, Ms. KELLY of Illinois, Mr. KING of Iowa, Mr. COMER, Mr. SOTO, and Mr. ALLEN):

H.R. 831. A bill to amend the Agricultural Act of 1961 to modify the limitations applicable to qualified conservation loan guarantees, and for other purposes; to the Committee on Agriculture.

By Mr. CAPUANO:

H.R. 832. A bill to amend title 9 of the United States Code to require that arbitration proceedings in certain disputes involving consumer financial products and services be open to the public; to the Committee on the Judiciary.

By Ms. FRANKEL of Florida (for herself, Mr. CURBELO of Florida, Ms. ROS-LEHTINEN, Mr. MAST, Ms. WASSERMAN SCHULTZ, Mr. WEBSTER of Florida, Mr. DIAZ-BALART, Mr. DEUTCH, Mr. CRIST, and Ms. WILSON of Florida):

H.R. 833. A bill to amend the Water Resources Development Act of 1986 with respect to the acquisition of beach fill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 834. A bill to authorize the President to award the Medal of Honor posthumously to Doris Miller for acts of valor during the World War II while a member of the Navy; to the Committee on Armed Services.

By Mr. LAMBORN (for himself, Mr. POLIS, and Mr. TIPTON):

H.R. 835. A bill to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Natural Resources.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 836. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself, Mr. CORREA, Mr. EVANS, Mr. BLUMENAUER, Mr. GALLEGO, Ms. MENG, Mr. RUIZ, Ms. BARRAGÁN, Ms. LOFGREN, Ms. CLARK of Massachusetts, Mr. POCAN, Mr. SOTO, Mr. TAKANO, Mr. CÁRDENAS, Mr. GRIJALVA, Mrs. WATSON COLEMAN, Mr. VARGAS, Mrs. NAPOLITANO, Mr. ESPAILLAT, Mrs. TORRES, Mr. CASTRO of Texas, Mr. GONZALEZ of Texas, Mr. SWALWELL of California, Mr. PALLONE, Mr. KIHUEN, Ms. HANABUSA, Mr. VELA, Mr. MCGOVERN, Mr. KHANNA, Mr. FOSTER, Mr. CUMMINGS, Mrs. CAROLYN B. MALONEY of New York, Mr. GENE GREEN of Texas, Mr. RASKIN, Mr. LEWIS of Georgia, Mr. CARBAJAL, Mr. O'ROURKE, Mr. VEASEY, Ms. CLARKE of New York, Mr. GARAMENDI, Mr. NADLER, Ms. NORTON, Ms. PINGREE, Mr. CUELLAR, Mr. JOHNSON of Georgia, Ms. MOORE, Ms. MCCOLLUM, Ms. LEE, Ms. VELÁZQUEZ, Mr. WELCH, Ms. SÁNCHEZ, Mr. TONKO, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. GUTIÉRREZ, Ms. JUDY CHU of California, Mr. QUIGLEY, Mr. ENGEL, and Ms. TITUS):

H.R. 837. A bill to prohibit construction of a continuous wall or fence between the United States and Mexico, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, 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. RUIZ:

H.R. 838. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a candidate for election for Federal office from using amounts contributed to the candidate's campaign to make payments to vendors owned or controlled by the candidate or by an immediate family member of the candidate; to the Committee on House Administration.

By Mr. RUIZ:

H.R. 839. A bill to prevent the enrichment of certain Government officers and employees or their families through Federal funds or contracting, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, 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. RUIZ:

H.R. 840. A bill to amend the Ethics in Government Act of 1978 to require the President, Vice President, and Cabinet-level officers to release their tax returns, and for other purposes; to the Committee on Ways and Means, 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 Ms. SPEIER (for herself, Mr. COHEN, Mrs. WATSON COLEMAN, Ms. PINGREE, Ms. DELAURO, Ms. SHEA-PORTER, Ms. CLARKE of New York, Mr. MEEKS, Mr. SOTO, Ms. SLAUGHTER, Mr. TAKANO, Mr. MCGOVERN, Mr. GARAMENDI, Mr. BLUMENAUER, Ms. ESHOO, and Mr. ELLISON):

H.R. 841. A bill to prohibit the appropriation of funds to the Executive Office of the President until the restoration of the White House phone-in comment line; to the Committee on Oversight and Government Reform.

By Ms. STEFANIK (for herself, Mr. MESSER, Mr. WELCH, Mr. TONKO, and Mr. YOUNG of Iowa):

H.R. 842. A bill to direct the Librarian of Congress to ensure that each version of a bill or resolution which is made available for viewing on the Congress.gov website is presented in a manner which permits the viewer to follow and track online, within the same document, any changes made from previous versions of the bill or resolution; to the Committee on House Administration.

By Mr. NEWHOUSE (for himself, Mr. PEARCE, Mr. GOSAR, Mr. GOHMERT, Mr. CRAMER, Mrs. RADEWAGEN, Mr. SESSIONS, and Mr. BIGGS):

H.J. Res. 60. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the United States Fish and Wildlife Service relating to the use of compensatory mitigation as recommended or required under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. WOMACK (for himself, Mr. AMODEI, Mrs. BLACKBURN, Mr. JENKINS of West Virginia, Mr. ADERHOLT, Mr. FRANKS of Arizona, Mr. BYRNE, Mr. OLSON, Mr. PALAZZO, Mr. FORTENBERRY, Mr. COOK, Mr. ABRAHAM, Mr. WILSON of South Carolina, and Mr. JOHNSON of Ohio):

H.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress regarding reconsideration of the merits of awarding the Medal of Honor posthumously to Doris Miller for acts of valor during World War II for which he was originally awarded the Navy Cross; to the Committee on Armed Services.

By Mr. HARPER:

H. Res. 82. A resolution electing Members to the Joint Committee of Congress on the Library and the Joint Committee on Printing; to the Committee on House Administration; considered and agreed to.

By Mrs. BROOKS of Indiana (for herself and Mr. DEUTCH):

H. Res. 83. A resolution providing amounts for the expenses of the Committee on Ethics in the One Hundred Fifteenth Congress; to the Committee on House Administration.

By Mrs. DINGELL (for herself, Mrs. COMSTOCK, Mr. GARAMENDI, Mr. BISHOP of Georgia, Ms. HANABUSA, Mr. RYAN of Ohio, Ms. BROWNLEY of California, Mrs. BEATTY, Mr. HASTINGS, Ms. NORTON, Mrs. MURPHY of Florida, Ms. LOFGREN, Ms. ESTY, Mr. SERRANO, Ms. WILSON of Florida, and Mr. KENNEDY):

H. Res. 84. A resolution expressing support for designation of February 4, 2017, as National Cancer Prevention Day; to the Committee on Energy and Commerce.

By Mr. KRISHNAMOORTHI (for himself, Mr. SMITH of Washington, Mr. POLIS, Ms. LEE, Mr. CARTWRIGHT, Mr. LANGEVIN, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Mr. GARAMENDI, Mr. KIND, Mr. SCHIFF, Mr. SOTO, Mr. HASTINGS, Mr. DELANEY, Ms. SHEA-PORTER, Mr. CÁRDENAS, Ms. MCCOLLUM, Ms. PINGREE, Ms. MATSUI, Mr. BLUMENAUER, Ms. BONAMICI, Mr. WELCH, Mr. QUIGLEY, Ms. HANABUSA, Mr. GRIJALVA, Ms. NORTON, Mr. MEEKS, Ms. LOFGREN, Ms. TITUS, Mr. TONKO, and Mr. COHEN):

H. Res. 85. A resolution expressing the commitment of the House of Representatives to continue to support pledges made by the United States in the Paris Agreement; to the Committee on Foreign Affairs.

## 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. CALVERT:

H.R. 816.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. DOGGETT:

H.R. 817.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States

By Mr. POE of Texas:

H.R. 818.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has the 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. COLLINS of Georgia:

H.R. 819.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Clause 3 of the Constitution

By Mr. MCCAUL:

H.R. 820.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. DELAURO:

H.R. 821.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and the Sixteenth Amendment

By Mr. NEAL:

H.R. 822.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1, and the Sixteenth Amendment.

By Mr. DOGGETT:

H.R. 823.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8 and the 16th Amendment of the Constitution.

By Mr. SMITH of Missouri:

H.R. 824.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 of the Constitution provides with the power to establish ''uniform rule of naturalization.''

By Mr. GOSAR:

H.R. 825.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. (The Property Clause.)

The Property Clause gives Congress the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the

United States; and states that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular state. Currently, the federal government possesses approximately 1.8 billion acres of land. The U.S. constitution specifically addresses the relationship of the federal government to land.

The Property Clause gives Congress plenary power and full-authority over federal property. The U.S. Supreme Court has described Congress's power to legislate under this Clause as ''without limitation.'' This Act falls squarely within the express constitutional power set forth in the Property Clause.

By Mr. DAVIDSON:

H.R. 826.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have Power . . .

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislatue of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenalsm dock-yards, and other needful Buildings; And

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 Mr. VARGAS:

H.R. 827.

Congress has the power to enact this legislation pursuant to the following:

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, as enumerated in Article IV, Section 3, Clause 2 of the U.S. Constitution.

By Mr. TIBERI:

H.R. 828.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I

By Mr. UPTON:

H.R. 829.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, which states that Congress shall have the power to ''regulate commerce with foreign nations, and among the several states . . .''

By Mr. ENGEL:

H.R. 830.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution.

By Mr. BOST:

H.R. 831.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article Section I of the United States Consititution, which provides Congress with the ability to enact legislation necessary and proper to effectuate its purpose in taxing and spending.

By Mr. CAPUANO:

H.R. 832.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Ms. FRANKEL of Florida:

H.R. 833.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 834.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. LAMBORN:

H.R. 835.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 836.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 18 of the United States Constitution, ''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 Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 837.

Congress has the power to enact this legislation pursuant to the following:

article I, section 8, clause 18

By Mr. RUIZ:

H.R. 838.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Mr. RUIZ:

H.R. 839.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Mr. RUIZ:

H.R. 840.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, Clauses 1 and 18 of the United States Constitution, to provide for the general welfare and make all laws necessary and proper to carry out the powers of Congress.

By Ms. SPEIER:

H.R. 841.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Ms. STEFANIK:

H.R. 842.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. NEWHOUSE:

H.J. Res. 60.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. WOMACK:

H.J. Res. 61.

Congress has the power to enact this legislation pursuant to the following:

Article V, U.S. Constitution

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 34: Mr. COMER, Mr. BABIN, Mr. JODY B. HICE of Georgia, and Mr. AMASH.

H.R. 38: Mr. RICE of South Carolina.

H.R. 80: Mr. PALAZZO.

H.R. 82: Mr. YOUNG of Iowa.

H.R. 112: Mr. FRANCIS ROONEY of Florida.

H.R. 193: Mr. MOONEY of West Virginia.

H.R. 244: Mr. POLIQUIN.

H.R. 245: Mr. WEBER of Texas.

H.R. 257: Mr. WILLIAMS and Mr. PERRY.

H.R. 275: Mr. EVANS.

H.R. 281: Mr. AMODEI and Mr. FASO.

H.R. 299: Mr. CRAWFORD, Mr. MAST, Mr. WITTMAN, Mr. GIBBS, Mr. PAULSEN, Mr. SOTO, Mr. TED LIEU of California, Mr. HASTINGS, Mr. KENNEDY, Ms. ROYBAL-ALLARD, and Mr. AMODEI.

H.R. 303: Mr. CALVERT, Ms. STEFANIK, Mr. GOODLATTE, Mr. COSTELLO of Pennsylvania, Mr. GARAMENDI, Mr. GAETZ, Mr. LOBIONDO, Mr. JONES, Mr. KILMER, Mr. BUCHANAN, Mr. ROUZER, and Mr. FARENTHOLD.

H.R. 355: Mr. GOSAR and Mr. DESANTIS.

H.R. 365: Mr. SMITH of Missouri.

H.R. 376: Mr. SOTO, Mr. DEFAZIO, Mr. GALLEGO, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mr. COHEN, Ms. KELLY of Illinois, Ms. MENG, Mr. NADLER, Mr. WELCH, Mr. KIND, and Mrs. NAPOLITANO.

H.R. 387: Mr. CHAFFETZ, Mr. YARMUTH, Mr. JOYCE of Ohio, Mr. LOWENTHAL, Mr. BARLETTA, Mr. CONNOLLY, Mr. CAPUANO, Mr. LEWIS of Minnesota, Mr. ROE of Tennessee, Mr. FORTENBERRY, Ms. SHEA-PORTER, Mr. BEN RAY LUJÁN of New Mexico, Mr. O'ROURKE, Mr. BILIRAKIS, Ms. BROWNLEY of California, and Mr. BLUM.

H.R. 422: Mr. MARSHALL and Mr. PEARCE.

H.R. 428: Mr. SESSIONS.

H.R. 448: Ms. LEE.

H.R. 457: Ms. PINGREE and Mr. SARBANES.

H.R. 489: Mrs. WATSON COLEMAN, Mr. KIHUEN, Ms. LOFGREN, Ms. JAYAPAL, and Ms. WASSERMAN SCHULTZ.

H.R. 502: Mr. SCHIFF, Mr. FLEISCHMANN, Mr. VISCLOSKY, Mr. MCNERNEY, and Mr. KILMER.

H.R. 512: Mr. ROTHFUS.

H.R. 529: Mr. WITTMAN.

H.R. 544: Mr. MARSHALL, Ms. PINGREE, Mr. GROTHMAN, Mr. LOBIONDO, Mr. SEAN PATRICK MALONEY of New York, Mr. COLLINS of New York, Mr. COHEN, Mr. ABRAHAM, and Mr. CALVERT.

H.R. 548: Mr. SHIMKUS.

H.R. 578: Mr. GARAMENDI.

H.R. 611: Mr. OLSON, Mr. YOUNG of Iowa, Mr. HIGGINS of Louisiana, Mr. PERRY, Mr. JOHNSON of Ohio, Mr. VALADAO, Mr. KING of Iowa, Mr. ALLEN, Mr. WITTMAN, and Mr. COLLINS of New York.

H.R. 624: Mr. COSTA, Mr. LATTA, Mr. GROTHMAN, and Ms. BROWNLEY of California.

H.R. 635: Mr. COHEN.

H.R. 637: Mr. KELLY of Mississippi, Mr. STIVERS, Mr. RICE of South Carolina, and Mr. HUDSON.

H.R. 647: Mr. DESAULNIER.

H.R. 676: Mr. GUTIÉRREZ, Mr. YARMUTH, Mr. DANNY K. DAVIS of Illinois, Mr. RUSH, and Ms. SLAUGHTER.

H.R. 696: Mr. SOTO, Mr. KEATING, and Mrs. DINGELL.

H.R. 721: Mr. CARTER of Texas.

H.R. 722: Mr. VEASEY.

H.R. 739: Ms. LEE, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. GALLEGO, Ms. NORTON, Mr. VARGAS, Mr. VELA, Mr. O'ROURKE, Mr. TED LIEU of California, Mr. SOTO, Mrs. TORRES, Ms. VELÁZQUEZ, and Ms. CLARKE of New York.

H.R. 741: Mr. PETERSON.

H.R. 748: Mr. SIRES, Mr. VEASEY, Mr. CÁRDENAS, Mr. HASTINGS, Mr. KIHUEN, Mr. TAKANO, Mr. DANNY K. DAVIS of Illinois and Ms. WASSERMAN SCHULTZ.

H.R. 749: Mr. O'HALLERAN.

H.R. 750: Mr. CONNOLLY, Mr. LARSON of Connecticut, Mr. NOLAN, Mrs. BLACKBURN, Mr. ELLISON, Ms. SLAUGHTER, Ms. PINGREE, Mr. KING of Iowa, Ms. DELBENE, Mr. RYAN of

Ohio, Mr. MULLIN, Mr. GIBBS, Mr. LANGEVIN, Mr. WOODALL, Ms. TITUS, Mr. CRAMER, Mr. JOYCE of Ohio, Mr. BARLETTA, Mr. TIBERI, Mr. BARR, Mr. WALZ, Mr. PAULSEN, and Ms. WASSERMAN SCHULTZ.

H.R. 761: Mrs. DINGELL.

H.R. 772: Mr. LANCE.

H.R. 778: Mr. PETERSON.

H.R. 785: Mr. PITTENGER and Mr. DUNCAN of South Carolina.

H.R. 786: Ms. LOFGREN, Ms. DELAURO, and Ms. SHEA-PORTER.

H.R. 787: Ms. CLARKE of New York.

H.R. 795: Mr. COFFMAN.

H.R. 800: Mr. O'HALLERAN, Mr. CONYERS, Mr. HASTINGS, Mr. THOMPSON of California, and Mr. MCGOVERN.

H.R. 804: Mr. DEUTCH, Ms. JAYAPAL, Mrs. DINGELL, Mr. NOLAN, Mr. SARBANES, Mrs. CAROLYN B. MALONEY of New York, Mr. RYAN of Ohio, Mr. SUOZZI, Mr. CLAY, Mr. DANNY K. DAVIS of Illinois, Mr. GRIJALVA, and Mrs. NAPOLITANO.

H.J. Res. 27: Mr. PALMER, Mr. COLLINS of Georgia, Mr. BARR, Mr. KING of Iowa, Mrs. ROBY, Mr. HUIZENGA, Mr. JORDAN, Mr. BRIDENSTINE, Mr. HULTGREN, Mr. KELLY of Pennsylvania, and Mr. MOONEY of West Virginia.

H.J. Res. 37: Mr. SESSIONS, Mr. PALMER, Mr. GOSAR, Mr. FARENTHOLD, Mr. GROTHMAN, Mr. ROTHFUS, Mrs. RADEWAGEN, Mr. KNIGHT, Mr. GOHMERT, Mr. MEADOWS, Mr. ROE of Tennessee, Mr. WALBERG, Mr. BYRNE, and Mr. WILSON of South Carolina.

H.J. Res. 53: Mr. ESPAILLAT, Ms. JAYAPAL, Mr. SOTO, Mr. MCNERNEY, and Mr. SCOTT of Virginia.

H.J. Res. 55: Mr. NEWHOUSE,

H.J. Res. 57: Mr. SESSIONS and Ms. FOXX.

H.J. Res. 58: Ms. FOXX and Mr. SESSIONS.

H.J. Res. 59: Mrs. WAGNER, Mr. GROTHMAN, Mr. BRIDENSTINE, and Mr. MARCHANT.

H. Con. Res. 16: Ms. FUDGE.

H. Res. 15: Mr. MEEHAN, Mrs. NOEM, Mr. THOMPSON of California, Mr. DENHAM, Mr. LANCE, Mr. HIGGINS of New York, Mr. FOSTER, Mr. RYAN of Ohio, Mr. BISHOP of Georgia, Mr. POCAN, Mr. LYNCH, Mr. Michael F. Doyle of Pennsylvania, Mr. NORCROSS, Mr. CLAY, Mr. JOHNSON of Georgia, Ms. TSONGAS, Mr. DEUTCH, Mr. Rodney Davis of Illinois, Mr. KILDEE, and Mr. GARAMENDI.

H. Res. 66: Mr. CARSON of Indiana, Mr. POLIS, and Mr. LANGEVIN.

H. Res. 78: Ms. SLAUGHTER, Mrs. DEMINGS, Ms. HANABUSA, Ms. MOORE, Mr. GALLEGO, Ms. SHEA-PORTER, Mr. WELCH, Mr. SHERMAN, Mrs. WATSON COLEMAN, Mr. DOGGETT, Mr. PALLONE, Mr. LYNCH, Ms. BLUNT ROCHESTER, Mr. GARAMENDI, Ms. Maxine Waters of California, Mr. KIND, Mr. CLYBURN, Mr. DELANEY, and Mr. JEFFRIES.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

*Vol. 163* WASHINGTON, THURSDAY, FEBRUARY 2, 2017 *No. 18*

# *Senate*

The Senate met at 11 a.m. and was called to order by the Honorable DAN SULLIVAN, a Senator from the State of Alaska.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who remains the same when all else fades, thank You for loving and using us for Your glory.

Guide our Senators in the footsteps of those who were willing to risk all for freedom, who transformed dark yesterdays into bright tomorrows.

Lord, uphold our Nation with Your wisdom and might, enabling it to continue to be a city of refuge for those whose hearts yearn for freedom. Keep us all from untimely and self-made cares, as we continue to look to You, the Author and Finisher of our faith.

We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 2, 2017.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN SULLIVAN, a Senator from the State of Alaska, to perform the duties of the Chair.

ORRIN G. HATCH,
*President pro tempore.*

Mr. SULLIVAN thereupon assumed the Chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## MEASURE PLACED ON THE CALENDAR—S. 274

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 274) to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

## NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, I was surprised by a statement my friend the Democratic leader made right here yesterday. I am glad he came back to the floor to correct himself, though. I think we all appreciated the Democratic leader making clear that Republicans did not—let me repeat, did not—insist on 60-vote thresholds for either of President Obama's two first-term Supreme Court nominees. Did not. We thank the Democratic leader for clearing that up. His statement also reminds us that both of the Supreme Court Justices President Clinton nominated got straight up-or-down votes as well. There is no reason someone like Judge Gorsuch, who has received widespread acclaim from both sides of the aisle, should be treated differently now.

When he was nominated to his current seat on the court of appeals, Judge Gorsuch received the American Bar Association's highest possible rating—unanimously ''well qualified.'' At his confirmation hearing, no one had a single negative word to say about him—not a single negative word. At his confirmation vote, no one cast a negative vote against him—not then-Senator Obama, not then-Senators Clinton, Biden, or Kennedy, and not my good friend Senator SCHUMER, either. Judge Gorsuch was confirmed in exceptionally fast time for a court of appeals nominee—just 2 months. So you have to wonder, if this nominee was so noncontroversial in 2006 that a rollcall vote was not even required, what could possibly have changed since to justify threats of extraordinary treatment now? What has happened in the last 10 years? If the Democratic leader or anyone else in his conference did not raise a concern in committee or cast a single negative vote then, let alone even ask for a rollcall vote, what could possibly justify these so-called grave concerns—grave concerns—he claims to have now?

Professor Laurence Tribe, President Obama's law school mentor, called Judge Gorsuch a ''brilliant, terrific guy who would do the Court's work with distinction.'' This is Laurence Tribe, the President's constitutional law professor, one of the best-known liberal professors in the country.

Neal Katyal, President Obama's top Supreme Court lawyer, lauded Judge

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Gorsuch as ''one of the most thoughtful and brilliant judges to have served our nation over the last century.'' Over the last century. That is President Obama's Supreme Court lawyer.

The left-leaning Denver Post recently highlighted Judge Gorsuch's reputation as a ''brilliant legal mind'' who applies the law ''fairly and consistently.''

I am happy to report that we have even been assured by liberal talk show host Rachel Maddow that Gorsuch is ''a relatively mainstream choice.'' Rachel Maddow.

Turns out, in the years since Judge Gorsuch's unopposed Senate confirmation, he has shown himself to be the very kind of judge everyone hoped he would be, one who demonstrates a ''sense of fairness and impartiality'' that Democratic then-Senator Salazar lauded him for in 2006, which Salazar called a ''keystone for being a judge.'' That was the Democratic Senator from Colorado when he was confirmed in 2006.

That was Judge Neil Gorsuch's reputation back then, and it is his richly deserved reputation still, as those in both parties who have known and worked with him continue to tell us. As one Democrat and Denver attorney put it, Judge Gorsuch is ''smart [and] he's independent.'' The things we have heard from so many about Judge Gorsuch—smart and independent, fair and impartial, thoughtful and brilliant—are just the qualities we should expect in our next Supreme Court Justice. They are the same qualities I am confident Judge Gorsuch will bring to the Court.

## CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, this Republican-led Congress is committed to fulfilling our promises to the American people. That work continues now as we consider legislation to push back against the harmful regulations from the Obama administration. On its way out the door, the Obama administration forced nearly 40—40—major and very costly regulations on the American people. Fortunately, we now have the opportunity to work with a new President to begin bringing relief from those burdensome regulations.

Last night, the House sent us two resolutions under the Congressional Review Act—one of the best tools at our disposal to undo these heavy-handed regulations.

This afternoon, the Senate will have the opportunity to pass the first of these resolutions, a measure to overturn the stream buffer rule. The resolution before us now is identical to the one I introduced earlier this week, and it aims to put a stop to the former administration's blatant attack on coal miners. In my home State of Kentucky and others across the Nation, the stream buffer rule will cause major damage to communities and threaten coal jobs. One study actually estimated that this regulation would put as many as one-third of coal-related jobs at risk. That is why the Kentucky Coal Association called it ''a regulation in search of a problem.'' They joined with the United Mine Workers of American and the attorneys general of 14 States on both sides of the aisle urging Congress to act. We should heed their call now and begin bringing relief to coal country. Today's vote on this resolution represents a good step in that direction.

Once our work is complete on this legislation, we will turn to another House-passed resolution that will protect American companies from being at a disadvantage when doing business overseas. Although the Securities and Exchange Commission may have had good intentions, the resource extraction rule costs American public companies up to nearly $600 million annually and gives foreign-owned businesses in Russia and China an advantage over American workers. We all want to increase transparency, but we should not raise costs on American businesses, only to benefit their international competition. Let's send the SEC back to the drawing board to promote transparency without the high costs or negative impacts on American businesses.

These CRA resolutions keep the interests of American families and workers in mind. Today, we will continue to chip away at the regulation legacy of the Obama years, with more CRA resolutions in the coming days as well.

Let's pass these two resolutions without delay so we can send them to the President's desk and continue giving the power back to the people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

## NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, I spoke at length about the Supreme Court nomination yesterday, but I just want to underscore a few points. We in the Senate have a constitutional duty to examine the record of Judge Gorsuch robustly, exhaustively, and comprehensively, and then advise and consent, as we see fit. We have a responsibility to reject if we do not.

We Democrats will insist on a rigorous but fair process. Part of that process entails 60 votes for confirmation. Any one Democrat can require it. Many already have. It was a bar met by each of Obama's nominations; each received 60 votes. Most importantly, it is the right thing to do. And I would note that a 60-vote threshold was reached by each of them either in cloture or in the actual vote.

On a subject as important as a Supreme Court nomination, bipartisan support is essential and should be a prerequisite. That is what a 60-vote threshold does; 60 votes produces a mainstream candidate. And the need for a mainstream consensus candidate is greater now than ever before because we are in major new territory in two ways.

First, because the Supreme Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business Court—siding more and more with corporations, employers, and special interests over working and average Americans—we need a mainstream nominee to help reverse that trend, not accelerate it. I will remind my colleagues, that is how President Trump campaigned, but his nominee seems not to be in that direction at all—not for the average working person but, rather, for special business interests.

Second, given that this administration—at least at its outset—seems to have less respect for the rule of law than any in recent memory and is testing the very fabric of our Constitution within the first 20 days, there is a special burden on this nominee to be an independent jurist, someone who approaches the Court without ideological blinders, who has a history of operating outside and above politics, and who has the strength of will to stand up to a President who has already shown a willingness to bend the Constitution.

Requiring 60 votes has always been the right thing to do on Supreme Court nominations, especially in these polarized times. But now in this new era of the Court, in this new administration, there is an even heavier weight on this tradition. And if the nominee cannot gain the 60 votes, cannot garner bipartisan support of some significance, then the answer is not to change the rules; the answer is to change the nominee and find someone who can gain those 60 votes.

Changing the rules for something as important as the Supreme Court gets rid of the tradition, eliminates the tradition of mainstream nominees who have bipartisan support. It would be so, so wrong to do. I know many of my colleagues on the other side are hesitant to do it, and I hope they will remain strong in that regard.

## NOMINATIONS OF BETSY DEVOS AND ANDREW PUZDER

Mr. SCHUMER. Now, on another matter, the pending nominations of the President's Cabinet, again, we are in

unchartered waters with this administration. They have not proposed a normal Cabinet. This is not even close to a normal Cabinet.

I have never seen a Cabinet this full of bankers and billionaires, folks with massive conflicts of interest and such little experience or expertise in the areas they will oversee. Many of the nominees have philosophies that cut against the very nature of the Department to which they were nominated.

Let me give you two examples this morning: Betsy DeVos, the nominee for the Department of Education, and Andrew Puzder, nominee for the Labor Department.

First, Betsy DeVos. When you judge her in three areas—conflicts of interest, basic competence, and ideology, views on education policy—it is clear that Betsy DeVos is unfit for the job of Education Secretary.

In all three areas, ideology, competence, and conflicts of interest, she rates among the lowest of any Cabinet nominee I have ever seen. At her hearing, she didn't seem to know basic facts about Federal education law that guarantee education to students with disabilities. She didn't seem to know the basic facts of a long simmering debate in education policy measuring growth proficiency. And in her ethics agreement, which was delivered to the committee after her first hearing, it was revealed that she would keep interests in several companies that benefit from millions of dollars in contracts from the Department of Education, which she would oversee.

There was a rush to push her through—one round of questions, 5 minutes each. Why? Why did someone generally as fair as the chairman of that committee do that? My guess, an educated guess: He knew how incompetent this nominee was, how poorly she fared under normal questions, and the idea was to rush her through.

Well, that is not what we should be doing on something as important as this. And if the nominee can't withstand a certain amount of scrutiny, they shouldn't be the nominee.

The glaring concerns have led two of my Republican colleagues, the Senators from Maine and Alaska, to pledge a vote against her confirmation, leaving her nomination deadlocked at 50 to 50. I believe both of them cited the fact that in their State, charter schools are not the big issue; it is public schools. How are we going to treat public schools? Particularly in rural areas, as I am sure my friend the Presiding Officer knows, there is not a choice of schools outside the major metropolitan areas, the major cities. If you don't have a good public school, you have nothing. So particularly people from the rural States should be worried, in my judgment, about our nominee's commitment to public education.

For the first time ever, we have the chance that the Vice President and a pending Cabinet nominee, the nominee for Attorney General, Senator SESSIONS, are casting the deciding votes on a controversial Cabinet position for Betsy DeVos. Mr. President, this has never happened before.

The White House will, in effect, get two deciding votes in the Senate on a nominee to the President's Cabinet: the Vice President and the nominee for Attorney General, our friend Senator SESSIONS.

It highlights the stunning depth of concern this nominee has engendered in Republicans and Democrats alike. It is clear now that Senators of both parties agree she is not qualified to be Secretary of Education. And I would hope that my colleagues on the other side of the aisle—this is such an important position; the nominee is so laddered on issue after issue after issue that we could get someone better. I don't think it will be that hard. It will be President Trump's nominee. It will not be us deciding, but it will be someone who has basic competence, fewer conflicts of interest, and, above all, a commitment to public education.

So I urge my Republican colleagues, friends, to stand up and reject Betsy DeVos, as the Cleveland Plain Dealer urged in an editorial this morning.

This is not a normal nominee, once again. In my view, when I dipped into her record and how she performed in her brief hearing, she has not earned and should not receive the Senate's approval.

Second, the nominee for the Department of Labor, Andrew Puzder. The hearing for his nomination has now been delayed four times because he still hasn't submitted key paperwork laying out his disclosures and detailing a plan for divesting, if necessary, to avoid conflicts of interest. But that might be the least of the Senate's concerns.

This is a nominee who is being sued by dozens of former employees due to workplace violations. This is a nominee who has repeatedly attacked the minimum wage, opposed the overtime rule, and advocated for more automation and fewer jobs. He talked about—I think in very positive terms—robots and how they may run the fast food industry. This is a nominee for Secretary of Labor who not only wants workers to earn less, he wants fewer workers.

For several of these Cabinet positions, it seems the President has searched for candidates whose philosophies are diametrically opposed to the very purposes of their Departments. For Education, pick someone with no experience in public schools and has spent her career advocating against them. For Labor, pick someone who has spent his career trying to keep the wages of his employees low and advocated against policies that benefit workers.

Again, I repeat: This is not your typical Cabinet. This is highly, highly unusual.

So when my Republican colleagues come to the floor every day to complain about delays and holdups, I would remind them that this is very serious. These Cabinet officials will have immense power in our government and wield enormous influence over the lives of average Americans: their wages and the education of their children, for instance.

To spend a few more days on the process is well worth it. And if they prove unfit for the austere and powerful roles they are about to take up, then it is our responsibility, as Senators who advise and consent, to reject their nomination.

## UKRAINE

Mr. SCHUMER. One final point: I want to take a moment to mention Ukraine.

Yesterday Rex Tillerson was sworn in as Secretary of State. In addition to dealing with the fallout from the President's first engagements with Australia and Mexico, I want to call the Secretary's attention to the situation in Ukraine.

Since President Trump's call with Mr. Putin last weekend, there has been a significant increase in violence. I hope Secretary Tillerson will ensure that there is a strong statement from the Trump administration condemning these escalatory actions by the Russians.

I also hope my Republican counterparts will start doing what they did last year every time this happened: Come to the floor and demand that the Senate act on tough sanctions against Russia. As I have said before, Russia remains a strategic threat to our Nation, and countering them needs to remain a deeply bipartisan effort.

Mr. President, I yield the floor.

## DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 38, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 6 hours of debate, equally divided in the usual form.

The Democratic whip.

### NOMINATION OF NEIL GORSUCH

Mr. DURBIN. Mr. President, I listened carefully this morning to the statement made by the Republican majority leader, and I was a little bit curious as to what he was trying to say because he talked about a judicial nominee who rated unanimously ''well qualified'' by the American Bar Association, who received kudos from Republicans and Democrats alike, including Members of the Senate, who went

through the Senate without a hitch, and then he couldn't understand why there would be more questions asked now for another appointment.

I was puzzled. I thought he was talking about Merrick Garland. We remember him, don't we? Merrick Garland was, of course, President Obama's nominee to fill the vacancy on the Supreme Court.

Senator MCCONNELL this morning said repeatedly: So what has changed since the first time Judge Gorsuch came before the Senate? Senator MCCONNELL, what has changed is you, what you did when Merrick Garland's name was sent up. For the first time ever in the history of the U.S. Senate, Senator MCCONNELL denied a hearing and a vote to a Presidential nominee to the Supreme Court. It never happened before, not once in history. And if you think, well, maybe the Democrats didn't have a chance to show the same steel will, the same political determination, in the last year of his Presidency, Ronald Reagan nominated Anthony Kennedy to fill a vacancy on the Supreme Court. He sent the nomination down to the Senate. I believe Senator Biden was the chairman of the Judiciary Committee at the time. There was a Democratic majority. In the last year of Reagan's Presidency, a so-called lameduck year by Senator MCCONNELL's description, the Democratic majority in the Senate gave President Reagan the respect of honoring his constitutional responsibility to fill the vacancy and sent Anthony Kennedy to serve on the Supreme Court. So Senator MCCONNELL has asked what has changed. He has changed. He has changed the Senate.

And here is the good news for him. We are not going to forswear our own demands that a Presidential nominee for the Supreme Court is deserving of a hearing and a vote. I said that over and over again when Merrick Garland was being stonewalled by Senator MCCONNELL and the Republicans in the Senate. I will say it again. I do believe the President's nominee has a right to a hearing and a vote. That nominee also has a responsibility to show us that he is not only qualified to serve on an important appellate court but to serve with a lifetime appointment to the highest Court in the land.

On Tuesday night, President Trump announced he would nominate the Tenth Circuit Court Judge Neil Gorsuch to the Supreme Court. It is important to put that nomination in context. This is not a run-of-the-mill nomination. It is an extraordinary time in America's history. President Trump's announcement was actually supposed to happen today. Why was it sped up? Why did they hurry it up? Well, because of the avalanche of criticism being heaped on the Trump administration for their Executive orders on refugees and immigration. They had to change the subject. After dozens of legal immigrants were detained at airports over the weekend solely because of their country of origin, including children, seniors, interpreters who helped our troops, Federal courts stepped in to block the President's Executive order.

We have done some research, and we are going to do some more. We think this is the first time in the history of the United States that a new President within the first 10 days had an Executive order stopped in the Federal courts. It shows how controversial that order was, that the Federal courts would step in with this brand new President and say: Stop. This has to be weighed as to whether it is legal or constitutional.

Then on Monday there was the unprecedented firing of an Attorney General who refused to defend President Trump's unlawful Executive order in court. President Trump moved up his Supreme Court announcement to try to change the headlines. In doing so, he made it even more clear how critical it is that we have an independent judicial system, not a rubberstamp for the President. It's especially vital at this moment in our history.

President Trump and his agenda are likely to come before the Supreme Court eventually. From his violations of the Constitution's emoluments clause to his unprecedented Executive actions, President Trump is likely to keep the High Court busy. We need Justices on the Supreme Court who are truly independent.

President Trump's announcement came 10 months and 15 days after a White House announcement about another Supreme Court nominee I mentioned earlier, Judge Merrick Garland, perhaps the most well-qualified, mainstream, independent nominee to come before the Senate. Merrick Garland is a son of Illinois, a good man, and an outstanding judge. Judge Gorsuch himself once described Judge Merrick Garland as ''among the finest lawyers of his generation.''

Merrick Garland was subjected to unprecedented obstruction by Senate Republicans and Senator MCCONNELL. Republican Senators simply ignored their constitutional responsibility to consider this nomination, for political reasons. It was worse than a filibuster.

Do you remember the time when Senator MCCONNELL and a number of others in the leadership said they would not even meet with the President's nominee—would not even give him the courtesy of a meeting? Merrick Garland was the first Supreme Court nominee in our Nation's history to be denied any consideration by the Senate—no hearing, no vote—nothing. It was shameful.

I took an oath of office to support and defend the Constitution—every Senator does—and to bear true faith and allegiance to it. I take it seriously. Even though my Republican colleagues chose to ignore their responsibilities when it came to filling that Supreme Court vacancy in an election year, I know we have a constitutional responsibility to give Judge Gorsuch a hearing and a vote. I will do my due diligence as a Senator and give his nomination fair consideration. That is what the advise and consent responsibility of article I, section 8 of the Constitution requires.

If my Republican colleagues complain about the process for Judge Gorsuch, just remember that no one ran a worse process on a Supreme Court nominee than my Republican colleagues themselves did for Merrick Garland. They really have no right to complain.

Now that President Trump has nominated Judge Gorsuch, Senators will embark on a thorough review of his record. He was confirmed to the Tenth Circuit in 2006, but the level of scrutiny is far higher for Supreme Court nominees and lifetime appointments to the High Court. He now has a lengthy judicial record which we will review carefully.

There are parts of his record that already raise questions and concerns. In recent years, we have watched the Supreme Court transform into a corporate Court, where all too often cases seem to break for the big corporations, regularly against the little guy. We need a Supreme Court that gives the American people a fair shot against corporate elites, corporate special interests. Judge Gorsuch's record as a judge and advocate raises concerns as to whether he would hasten that trend toward a corporate court.

I note that yesterday, Reuters published an article entitled ''As Private Lawyer, Trump High Court Pick Was Friend to Business.'' The article said that while Judge Gorsuch was in private practice, he ''often fought on behalf of business interests, including efforts to curb securities class action lawsuits, experience that could mould his thinking if he is confirmed as a [Supreme Court] justice.''

During his time on the bench, Judge Gorsuch appears to have a consistent pattern of favoring companies over workers in cases involving employment discrimination, worker safety, and other matters. That is why we need to carefully review his record.

Judge Gorsuch must also answer important questions about his views on issues of fundamental importance to American people, such as our right to privacy. Is there anything more important? Almost on a daily basis we are being asked if we are ready to give up a little more of our privacy. We know that corporate interests and business interests are collecting data on us. We can find it every time we log on to the Internet and there is this cascade of ads on the side of the page asking us if we want to buy something that we just happened to buy a couple months ago. We know as well that information is being catalogued carefully and being used by business interests to promote their products and to categorize us as Americans. We also believe—I think there are even some Republicans who

believe—that individuals have a right to privacy when it comes to the overreach of the Federal Government and when it comes to critical decisions so important to our personal lives. At that last heartbreaking moment when a family member has to decide about the medical care for someone who is nearing death, is that going to be subject to a court order or is that going to be a decision made privately by a family? At that moment when a family faces the pregnancy of a teenage girl in the household, is that a family decision or is that a decision where government has the last word? The Supreme Court decides this, and we need to ask Judge Gorsuch what he thinks and understand clearly what he says.

We also believe that when it comes to our security—not just our privacy but our security—the Supreme Court time and again will have the last word. When it comes to the issue of safety, health, and environmental protection, where will this new Supreme Court nominee be? Is he going to bend toward the corporate interests and look the other way as we face climate change, the pollution of streams, the contamination of our drinking water, and dangers to our public health? If he is going to rule consistently for the corporate interest no matter what, he certainly doesn't, as far as I am concerned, represent the values we need on the Supreme Court. He needs to answer questions as well on immigration, privacy, campaign finance, and voting rights.

Like Justice Scalia, Judge Gorsuch professes to be an originalist. Let me address that for a moment. I have been with the Judiciary Committee for quite a few years. Time and again, whether it is the nominee for Attorney General or nominees for the High Court, here is the cliche we are given: We are just going to apply the rule of law, whatever the law says. That is what we do. We are originalists. I call that the robotic view of justice; that if you just plug in the facts, a computer can tell you the answer because a computer compares it to the law. Yet we know better. We know judges make decisions based on a variety of concerns, and they weigh some facts more carefully and give some facts more strength than others. This rule of law by robotic justice is a fiction. We know that each nominee, whether from a Democrat or Republican, brings views to the Court that will decide how many cases will lean.

Judge Gorsuch has to answer the questions forthrightly. There is a cottage industry of teaching nominees to give thoughtful nonanswers to important questions. That will not cut it for me or many of my colleagues. The American people want honest, candid candidates for the bench.

We know Judge Gorsuch is the handpicked nominee by President Trump and has been lauded by rightwing organizations all over the United States. They hope he will be a dependable vote in their favor, but he has to demonstrate—to me and to many other Senators—that he will be prepared to disappoint the rightwing if the Constitution and law require it.

Since the confirmation of Justice Clarence Thomas in 1991, Supreme Court Justices have had to show they can pass the threshold of 60 votes to get confirmed. I expect nothing less from this nominee. Justice Elena Kagan, nominated by President Obama, received 63 votes; Justice Sonya Sotomayor, nominated by President Obama, received 68 votes; Justice Sam Alito had a cloture vote where he received 72 votes and subsequently received 58 votes for his actual confirmation; Justice Roberts, 78 votes; Justice Breyer, 87; Justice Ginsburg, 96.

Judge Gorsuch has a burden to bear. He has to demonstrate that he is a nominee who will uphold and defend the Constitution for the benefit of all of us, not just for the advantage of a privileged few.

I take my constitutional responsibility very seriously when it comes to the Supreme Court. As a member of the Judiciary Committee, I am reviewing the record and preparing questions to ask the nominee. It is going to take some time. It usually does, several months. But my Republican colleagues have kept this seat vacant since February of last year, so they don't have any basis for arguing and complaining that we just have to move on this really fast.

I am sorry we are not considering the nomination of Merrick Garland, an eminently qualified mainstream judge who deserved better treatment than he received from Senate Republicans and Senator MCCONNELL. No one deserved the treatment Merrick Garland received.

With my oath to support and defend the Constitution in mind, I will consider Judge Gorsuch's nomination pursuant to the Senate's role of advise and consent. I will strive to be thorough, fair, and focused on the important principles I have discussed today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

I come to the floor this morning to speak on the resolution of disapproval that is before us, but I want to make just a few comments following my colleague, the minority whip.

I am pleased to hear him say that he does look forward to the opportunity for a hearing on Judge Gorsuch and the opportunity for a vote. I think we recognize that we have in front of us an individual who has truly a stellar legal reputation, who has committed himself to the law in a remarkable way. When he was before this Senate for confirmation leading up to the Tenth Circuit, he enjoyed very strong support. I would like to think that on yet further review of this very strong individual, our colleagues will do the due diligence that is necessary as we perform our constitutional role of advise and consent.

There is so much that I will respond to at a later time when I go into more detail about my support for Judge Gorsuch and why I think he is exactly the type of individual we want to see named to the Supreme Court, but the comment has been made, not only by my colleague from Illinois but from others, that somehow or other Judge Gorsuch is for Big Business and not the little guy. It seems that the criticism is based on this viewpoint that courts should not defer to Federal agency interpretations of their own rules, and certainly Big Business is a frequent challenger of government overreach. But, as the Presiding Officer and I both know, so are ordinary Americans—people like John Sturgeon, an Alaskan who took on the Federal Government, took on the agencies, and took on the Park Service because he was told he could not use a hovercraft in an area where he had operated one for decades. John Sturgeon, with the help of a few friends, who did everything from garage sales to fund his litigation, and with just the generosity out of their own pockets, took all the way to the Supreme Court the question of whether or not the Park Service's regulation had exceeded their legal authority.

I happen to believe very strongly that Judge Gorsuch is clearly on the right track here when he questions the deference that courts give to our government agencies. I think most Alaskans would probably agree with us on this point—that when we are talking about the scales of justice, they should not be tipped in favor of our Federal agencies.

Again, I am pleased to hear that the minority whip agrees that a filibuster is not appropriate, is not the way to proceed with this fine nominee. I look forward to learning more about Judge Gorsuch but also to be able to share more of my observations at a later point in time.

Mr. President, I wish to join my colleagues in support of H.J. Res. 38 to disapprove and nullify the Department of Interior's so-called stream protection rule. I wish to begin my comments by thanking Majority Leader MCCONNELL and Senator CAPITO of West Virginia for sponsoring the Senate version of this resolution. I also wish to note that I am proud to be listed with the Presiding Officer as a cosponsor on this bipartisan measure with 28 colleagues in support.

Now, by name alone, the stream protection rule may sound pretty innocent, pretty well intentioned, but as we have heard and as we will hear throughout this debate, the reality is really different. This regulation will have severe economic impacts. It will cost us jobs. It will cost us revenues as well as affordable energy all across our country.

By way of background, the rule revises longstanding regulations for coal

mining under the Surface Mining Control and Reclamation Act, something around here we simply call SMCRA. Now this rule was finalized in December of 2016, and it took effect 2 weeks ago, making more than 400 changes to existing regulations.

Now, 400 is just a number that shows the scope of the changes that the Obama administration has made, but it hardly does justice to the sweeping substance of the changes or the deliberately opaque process that the Obama administration followed to make them.

SMCRA is supposed to be an example of cooperative federalism, and many States have approved programs that allow them to regulate coal mining within their own borders. But beyond that, the law explicitly directs the Federal Government to work with States to engage with them whenever any changes are made. So it requires a high level of cooperation and collaboration.

Contrary to the collaborative mood intended by SMCRA, the Obama administration chose to draft the stream protection rule behind closed doors. It ignored the input and recommendations that were provided by States and other stakeholders. It subverted the law, basically, to meet its own policy objectives, which was to keep the coal in the ground. Ultimately, that is what they wanted to do, and it finalized a rule that will shut down coal mining in several regions in our country, including possibly in Alaska, if it is allowed to stand.

Now, the Obama administration claimed that this rule would cost only $81 million a year and that it did not qualify as what is considered ''economically significant'' as a rule, as a result of that. We will likely hear that number touted by some of the opponents of this resolution and probably some who will claim that we are exaggerating the impact. But I don't think we should forget how the Obama administration determined that the rule was insignificant in the first place.

In January of 2011, the Associated Press obtained documents showing that this rule was projected to eliminate 7,000 direct jobs across the country. So instead of going back and fixing the rule to avoid these potential job losses, what happened? The Department of Interior fired the independent contractor that had made the projection. So, effectively, we have a situation where the Department essentially cooks the books instead of fixing the rule. It then took steps to rebrand the rule, changing the name from the ''stream buffer zone rule'' to the ''stream protection rule'' making the rule sound rather innocuous.

So what the American people should know is that there is a real discrepancy between the economic impacts the Obama administration estimated and what other sources project will happen if the rule is left in place. The projection is that up to 30 percent of the direct jobs in coal mining will be lost, and domestic coal production will fall 29 to 65 percent, with anywhere from $15 billion to $29 billion in lost annual coal resource value and $3.3 billion to $6.5 billion in lost State and Federal revenue.

So with estimates like this, it is no wonder that this rule has drawn such strong bipartisan opposition from Alaska all the way to Appalachia. If you are doubting the statistics—if you are saying, well, I am hearing certain things on one side and others on another—you need to talk to people out there. We did that. Instead of just taking what the Obama administration said, we went out and we asked people.

Last March, I held a field hearing of the Energy and Natural Resources Committee, and we held the field hearing up in Fairbanks, AK. Among our witnesses was a woman by the name of Lorali Simon. The occupant of the Chair knows her well. She works for Usibelli Coal Mine, an initially family-owned and operated coal mine—which has been very successful—and provides coal and power to the residents of the Interior, and has been for a long time. Ms. Simon spoke about how coal resources contribute significantly to our State by providing jobs and a reliable energy source.

She explained that coal is the cheapest source of energy in Interior Alaska for everything from the local community to our military bases there and how usability has helped to create business for others like our Alaska railroad. She also highlighted the broader picture about how coal strengthens our national and energy security. So those are all good things, in my book.

But Lorali also testified about the stream protection rule. She said that, if the rule was finalized as it was proposed—which it has been—it will likely kill all coal development in Alaska. She also noted that Congress passed SMCRA, but during the Obama administration, she said: ''We were seeing unelected federal employees violate legislative intent, which will kill America's coal industry.''

Now, Lorali Simon is not alone in her criticisms or her opposition to this rule. Our Governor in Alaska, an Independent by the name of Governor Bill Walker, recently noted that it was one of the worst of many different actions the Obama administration took to limit resource development in our State of Alaska.

The attorneys general of 14 different States wrote:

> The rule would have a disastrous effect on coal miners, their families, workers in affected industries, and their communities. It would also impose very significant costs on American consumers of electricity, while undermining our Nation's energy supply.

That is pretty tough—not only a disastrous effect on the coal miners but the cost on American consumers of electricity, undermining our Nation's energy supply.

The Interstate Mining Compact Commission described this rule as a ''burdensome and unlawful rule that usurps states' authority as primary regulators of coal mining as intended by Congress under SMCRA'' while also seeking to impose ''an unwarranted top-down, one-size-fits-all approach that does not take into account important regional and ecological differences.''

Then, finally, the U.S. Chamber of Commerce noted that the rule ''exceeds the Department's authority, will cause significant economic harm and job losses, and interferes with long-standing and successful state efforts to protect water quality.''

It is very clear to me that this rule simply cannot stand. We have an opportunity here to make sure that is the case. So if you are concerned about families paying more for their heating and their electricity bills, you should support this resolution. If you are worried about job losses due to access restrictions and rising energy costs, you should support this resolution. And, if you care about States' rights, which so many of us do, or overregulation by the Federal Government, which we clearly do, you should support this resolution.

I have noted to a couple of people today that this is a pretty good day to be debating a disapproval resolution under the Congressional Review Act. It is Groundhog Day, and it is exactly what the last 8 years have felt like for anyone who has paid attention to the regulations that were just churned out by the Obama administration. The SPR rule is a perfect place to start as we sort through the major burdens that the last administration imposed through its relentless regulatory actions.

So, again, I wish to thank Leader MCCONNELL and Senator CAPITO for sponsoring and leading this legislation, and know that I intend to vote for it. I urge my colleagues to do the same.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I see my colleague from Texas. Did he want to make remarks in leader time?

Madam President, I come to the floor to talk about the action today in the Senate, which is to try to overrun the clean water rule as it relates to the mining industry.

The bottom line is, polluters should pay for the pollution, and that is what the rule says, and that is what is trying to be overrun today after a very short debate in the Senate.

Some of my colleagues on the other side of the aisle would like to say it is about the coal industry and a war on coal. If they are so concerned about the coal industry, I would suggest to them

and coal workers that they take up the pension bill they promised to take up in the last Congress and have failed to take up.

Last December, thousands of coal miners came to Washington, DC, and asked the Senate to live up to their promise that was made and put their health on the line and make sure that they had a pension program. More than 20,000 retired coal miners are at risk of losing their health care if we do nothing by April, and they have a very small pension—averaging about $530 a month—that is also at risk.

I know some of my colleagues would like to believe this is somehow entirely related to a war on coal, but that narrative ignores the facts. In 2008, right before the financial crisis, the United Mine Workers' pension plan was 93 percent funded—in 2008, 93 percent funded. Its actuaries projected it was on track to reach full funding in several years.

So this notion that somehow the discussion behind the scenes by the Interior Department or the EPA caused an implosion in the mining industry and thereby they didn't have resources is not the case. What is the case is that the financial crisis hit, and Wall Street speculators blew up our economy, costing it $14 trillion—according to the Dallas Fed—and many in this body bailed them out. But we did nothing to bail out the miner pension program. Those pensions were thrown into crisis. By 2009, the United Mine Workers' plan had dropped from the 93-percent funded level down to the low seventies—a 20-percent drop in a single year. So despite the fact that the plan was well managed, the investment returns continued to be problematic. Wall Street—not the Department of the Interior or EPA—is the reason mine workers have so much challenge today.

If they care so much about the mining industry and the workers, then bring that legislation forward on the floor of the Senate today instead of trying to overturn a rule that says polluters should pay.

These safe drinking water issues and fishing issues are so important to an outdoor economy that employs a million-plus workers and is a vital part of practically every State's economy. The notion that somehow this is a jobs issue—if they want to protect jobs in the outdoor industry, then please allow people to fish in rivers where they don't have to worry about selenium. This is a big issue, whether talking about Montana, Colorado, Washington, or the State of Alaska.

I will say that the Alaskan issues of salmon and habitat far outweigh the 113 jobs the Alaska coal industry produces. Both can be seen as valuable jobs, but if we want to know about an economic impact to the State, it is dwarfed by the issue of making sure salmon have clean rivers and streams to migrate through.

This legislation today is about trying to protect those waters. I would again say that the effects of mountaintop removal have been called out by the press for a long time. I wish to quote from a Washington Post editorial:

For decades, coal companies have been removing mountain peaks to haul away coal lying just underneath. More recently, scientists and regulators have been developing a clearer understanding of the environmental consequences. They aren't pretty.

In the 1990s, coal miners began using large equipment to strip away mountaintops in states such as West Virginia. The technique made it economical for them to extract more coal from troublesome seams in the rock, which might be too small for traditional mining or lodged in unstable formations. Environmentalists were appalled, but the practice spread and now accounts for more than 40 percent of West Virginia coal production.

Burning coal has a host of drawbacks: It produces both planet-warming carbon dioxide and deadly conventional air pollutants. Removing layers of mountaintop in the extraction process aggravates the damage. The displaced earth must go somewhere, typically into adjoining valleys, affecting streams that run through them. The dust that's blown into the air on mountaintop removal sites, meanwhile, is suspected to be unhealthy for mine workers and nearby communities.

Scientists have recently produced evidence backing up both concerns. Over the summer, a U.S. Geological Survey study compared streams near mountaintop removal operations to streams farther away. In what should be ''a global hotspot for fish biodiversity,'' according to Nathan Hitt, one of the authors, the researchers found decimated fish populations, with untold consequences for downstream river systems. The scientists noted changes in stream chemistry: Salts from the disturbed earth appear to have dissolved in the water, which may well have disturbed the food chain.

Last week, the Charleston Gazette reported on a new study finding that dust from mountaintop removal mining appears to contribute to greater risk of lung cancer. West Virginia University researchers took dust samples from several towns near the mountaintop removal sites and tested them on lung cells, which changed for the worse. The findings fit into a larger, hazardous picture: People living near these sites experience higher rates of cancer and birth defects.

Again, all this is from the Washington Post editorial.

With these sorts of problems in mind, the Environmental Protection Agency is taking a more skeptical look at mountaintop removal mining permits. The Clean Water Act gives the government wide authority over industrial operations that change rivers and streams.

The EPA has already used its efforts, in some cases where there was concern, to revoke a permit and has instructed its branches and offices to be more careful.

The coal industry and its allies—

And we have heard some of them here—

are howling. Skeptics of mountaintop removal, one industry pamphlet insisted, ''promote an anti-coal, anti-business agenda that uses environmental issues as a mere pawn to redistribute wealth, grab power, and put forth liberal, social ideology. The GOP-controlled House passed a bill that would strip the EPA of some of its permitting power. But just this month—

Because that was a couple years ago—

the Obama administration once again prevailed in court, beating back another industry challenge.

This editorial ends by saying:

The emerging scientific evidence should cut through the rhetoric. The EPA is right to move more firmly to protect health and the environment.

We are right to defend this rule and law and say that polluters should pay.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, yesterday the Senate took up legislation to block the stream buffer rule, which is a job-killing regulation from the Obama administration—something the Obama administration will be long remembered for—a regulatory overreach that strangled the growth of our economy and the jobs that come along with it. This is a prime example of a misnomer, though. It is not really about protecting streams, as it claims, but about killing the coal industry and energy production in our country.

One of the things that have caused our economy to grow historically has been access to low-cost energy, but unfortunately this regulation has made that not possible in coal country, taking many jobs along with it and I think in part, at least, responsible for the vote President Trump got in many parts of the country that felt left behind by the economy and because of job-killing regulations like the stream buffer rule.

NOMINATION OF NEIL GORSUCH

Madam President, yesterday I had the chance to meet with Judge Gorsuch personally, the man President Trump nominated to serve on the U.S. Supreme Court.

It is plain to me now why President Trump selected him to be the nominee for the seat vacated by the death of Justice Scalia. Judge Gorsuch's experience, intellect, and background make him uniquely qualified and qualify him as a mainstream nominee. That seems to be the nomenclature that has been embraced by our colleagues across the aisle. They said they hope President Trump nominates a mainstream nominee. Well, he did. But I fully expect our colleagues across the aisle to try to paint him as some sort of extremist, which they can't do based upon his distinguished record on the Tenth Circuit Court of Appeals for the last 10 years as a Federal judge or his previous life. They are going to have to make things up in order to cause people to believe this nominee is not a mainstream nominee.

I look forward to working with my colleagues on the Judiciary Committee to do our job of advice and consent and to see the nomination come to the floor, where I hope he will be confirmed. I trust he will be confirmed one way or the other.

Unfortunately, Senate Democrats—particularly their leader, the Senator from New York—have already announced that they will fight tooth and

nail against any nominee put forward by President Trump. Predictably, the minority leader has made clear that he will try to filibuster the President's choice. It has been ironic to watch him come here and extol the virtues of the 60-vote cloture requirement for confirming a Supreme Court Justice when he and the rest of his colleagues invoked the so-called nuclear option to change the Senate rules by breaking those rules and reducing the cloture requirement for lower Federal court judges and Cabinet members to 51.

We see what happened as a result of that action. Now they find themselves on the receiving end of that 51-vote requirement caused by the nuclear option. So much for immediate gratification and not so much for taking the long view in terms of how the Senate ought to operate.

This sort of resistance mentality that has grown up among our colleagues on the other side of the aisle ignores the fact that we had an election on November 8. The American people made their choice, and it is plain that our Democratic colleagues are simply not happy about the choice they made and are going to undermine and resist this President no matter what, particularly when it comes to staffing his Cabinet with the people he has chosen to serve the Nation as part of his administration.

The American people also indicated they wanted us to move forward, away from the bickering, away from the gridlock, away from this mentality that we were here to serve someone else other than the American people. They want results, not politics as usual. I think that is the lesson we all should have learned from this last election. The sad reality is that it is increasingly clear to me that my Democratic colleagues didn't learn the right lesson last November and are trying to bring the Chamber to a standstill.

Thanks to the nuclear option that then-Majority Leader Senator Reid championed and which all of our Democratic friends voted for, they are not going to be able to stop President Trump's nominees to the Cabinet because all it requires is 51 votes. Yes, they can slow it down, but they can't stop it. My question is, What purpose is to be served from keeping the President fully staffed with the Cabinet that he has chosen, knowing that you are ultimately going to lose the fight?

Unfortunately, this is not about the Senate alone. This is about the American people. For 2 days in a row, Senate Democrats on the Finance Committee, which has been one of the most bipartisan committees in the U.S. Senate—our Democratic colleagues, each and every one of them, boycotted the meetings to consider President Trump's nominees.

I sit on the Finance Committee. As I said, it has historically been a bipartisan committee, but our Democratic colleagues chose to relinquish their responsibility and ignore their duties to their constituents. Unfortunately, this type of behavior has become par for the course throughout the first days of President Trump's administration. We have seen other examples of slow-walking nominations, invoking every procedural rule that there is to deny unanimous consent—the sort of normal courtesies that go along with working in the Senate on technical or procedural matters.

We have seen countless examples of their slowing down the nomination process intentionally, even for highly qualified candidates.

On the Judiciary Committee, on which I also sit, there is another example with respect to the nomination for Attorney General of Senator JEFF SESSIONS, a well-respected colleague in this Chamber. I am glad we were finally able to move his nomination out of the committee yesterday. But the truth is that even though many Democrats on the committee had worked side by side with Senator SESSIONS and had cosponsored legislation with him, they themselves said what a good man he was. They voted against him after slowing down this obvious choice to lead the Justice Department.

President Trump talks about draining the swamp in Washington, DC. The biggest swamp in Washington, DC, has been a Justice Department headed by Eric Holder and, sadly, by his successor Loretta Lynch. They have refused to enforce the rule of law and instead turned that into a political outpost for the Obama administration. Attorney General JEFF SESSIONS is going to change that. He is going to enforce the law, and he will respect the law no matter who wins and who loses because his duty is to the Constitution and laws of the United States and to enforce those laws as Attorney General and, yes, to defend those laws.

Some of our Senate colleagues were shocked when Deputy Attorney General Sally Yates—although the Office of Legal Counsel said that the Executive order issued by the President was legal and proper in its form—wrote a letter saying she was instructing the line lawyers in the Justice Department not to defend it in court. President Trump fired her, and he should have. That is political grandstanding by somebody who should know better, considering her distinguished career at the Department of Justice for the last 30 years.

I don't know who gave her the bad advice, but I am glad that President Trump decided to fire someone who basically defied their duties to the Department of Justice and to the U.S. Government and preferred to take the side of politics and misinformation.

We know that the Senate is continuing with other nominations as well. I see this morning that the Environment and Public Works Committee finally voted out the nomination of the attorney general of Oklahoma, Scott Pruitt, for Director of the Environmental Protection Agency. Unfortunately, our Democratic colleagues' bad habits on the Finance Committee have spilled over to the Environment and Public Works Committee, and they chose to boycott that hearing as well. Notwithstanding that boycott, the majority of the committee did vote out the nomination, and we will take that up soon.

This lack of cooperation is unprecedented. It really is unprecedented. At this point in 2009, President Obama had 11 of his Cabinet members confirmed by the Senate—11. Today we have only five confirmed, and many of those who have been confirmed were slow-walked by our Democratic colleagues for one lame excuse or another. This is not because President Trump's nominees aren't qualified; it is because our colleagues on the other side of the aisle are determined to undermine this new President and his administration, no matter what cost is paid by the country.

After the election, President Obama, to his credit, talked about the importance of a peaceful transition of power from one administration to the next. Some of our colleagues who are now obstructing this President's Cabinet members have also paid lipservice to a peaceful transition of power. What we are seeing is a hostile transition of power—mindless obstruction, foot dragging, and delay for delay's sake.

Let me remind them once again that the American people voted on November 8 and chose a President who has the authority to nominate the people he sees fit to serve on his Cabinet. We can't afford to let this administration operate with one hand tied behind its back for the foreseeable future. We need to do our job and provide the President and the country with the experts and advisers that the administration needs to keep our country safe and to keep government functioning for the people.

I hope soon—I am not optimistic, but I hope that soon our Senate Democrats will start working with us and not against us and, more importantly, against the interests of the American people who sent them here.

### TRIBUTE TO LINDA BAZACO

Madam President, I want to spend a few minutes recognizing an extraordinary public servant on my staff who served in a unique capacity that many may not know exists.

One of the most important things we get to do as Members of Congress is to act as the intermediary or intercessor between our constituents and a Federal Government that sometimes is not responsive, particularly in dealing with Federal agencies. For instance, when somebody isn't receiving their proper check from the Social Security Administration or is having trouble getting an appointment at a Veterans Administration clinic or is in need of assistance with foreign adoptions, where do they turn? They turn to people like Linda Bazaco, who heads my casework program in Dallas, TX, and is going to be retiring soon.

I am proud to say that we do our very best to make sure that the 28 million people I have the privilege of representing get the very best help possible to help navigate the very real and very personal issues that involve the Federal bureaucracy. That way, my office—specifically my constituent services or what we call my casework team—can help ensure that no Texan who reaches out to us slips between the cracks.

In some circles, apparently, we have a reputation for bragging in Texas, but I have to say my staff are some of the absolutely best in the field when it comes to getting responses for Texans from Federal agencies. I like to say that if it can be done, it will be done. In that way, we play an important role in holding the bureaucracy accountable and reminding the Federal Government who their customer really is. It is the taxpayers to whom they ought to be responsive. They shouldn't need to call their Senator or their Congressman or Congresswoman in order to get responses from the Federal Government, but, in fact, sometimes they do, and sometimes—well, it is our privilege to help.

As I indicated, the person who has led this effort in my office for the last many years is Linda Bazaco, someone whom I came to know after she worked for my predecessor, Senator Phil Gramm. Linda fervently believes in the concept of government accountability and has developed a way to get the answers that Texans need and deserve.

As I indicated, she started under my predecessor, Senator Phil Gramm, about 27 years ago. Today, Linda's system has become the gold standard for other elected officials to get results on behalf of their constituents and, in doing so, has impacted constituents' lives in profound ways: benefits, checks, expedited passports, medical care, or even the most basic—simply a return phone call from an agency. All the while, Linda has done this with enthusiasm and with an eye toward quality and getting results for the people of Texas.

Linda, along with the team she has built, has pushed the government to be more accountable and responsive to the tens of thousands of Texans who have reached out to my office and, in most cases, will never know she was their secret weapon.

Soon Linda will be taking on another challenge. After serving the 28 million people of Texas for nearly 27 years now, she will take up an even more important role; that is, a full-time grandmother extraordinaire. I couldn't be prouder of having someone of her caliber as a leader on my team, and I wish her and her husband Val and her three children and her five beautiful grandchildren the absolute best in the next chapter of their lives.

On behalf of all the generations of Texans you have helped over the decades, the staff members you have led along the way, and at least two U.S. Senators, Linda, thank you for your service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I know we are going back and forth. I wish to inquire if my colleague seeks to speak.

Go ahead because we are expecting someone on our side.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, I ask to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Mr. ROUNDS. Madam President, I rise today to discuss President Trump's Supreme Court nominee, Judge Neil M. Gorsuch.

As you know, the vacancy exists because last year Supreme Court Justice Antonin Scalia died suddenly at the age of 79, leaving an unexpected vacancy on our Nation's highest Court.

As I said at the time of his passing, replacing Justice Scalia, one of the Court's strongest defenders of our Constitution, would be extremely difficult. For nearly three decades, with his brilliant legal mind and animated character, Justice Scalia fiercely fought against judicial activism and legislating from the bench. To say our next Justice has big shoes to fill would be an incredible understatement. That is why the decision was made early on by Leader MCCONNELL and others to give the American people a voice in this process, by waiting to confirm the next Justice until the 45th President was in office and able to nominate someone him or herself. We held that belief, even when it looked like our party would not win the Presidency.

As we have been reminded before, elections have consequences. The American people chose to elect President Trump, who throughout his campaign said that he would nominate someone in the mold of the late Justice Scalia. With his pick of Judge Gorsuch, President Trump made an excellent choice in fulfilling that promise. We believe Judge Gorsuch espouses the same approach to constitutional interpretation as Justice Scalia and has a strong understanding of federalism upon which our country is built.

Because the current makeup of the Court is evenly split between conservative- and liberal-leaning Justices, this ninth spot is as important as it has ever been. The next Justice has the potential to hold incredible influence over the ideological direction of the Court for a generation to come. The Supreme Court is the final authority for interpreting Federal laws and the Constitution. It is one of the most important responsibilities found within our federalism.

Since our very first Supreme Court—Justice James Wilson took the oath of office in October of 1789—there have been just 112 Justices to serve on the Court. These lifetime appointments are established under article III in the Constitution and are the ultimate authority over all of the Federal courts and State court cases involving Federal law.

Since it was established, the decisions the Supreme Court has made have guided and altered the course of our Nation. The decisions it makes often have long-lasting ramifications, that in one vote can dramatically alter the course of our country. Based on what I know of Judge Gorsuch, I believe he has the aptitude for this lifetime appointment. He is greatly respected on both sides of the aisle. In fact, he was previously confirmed to the U.S. Court of Appeals for the Tenth Circuit unanimously, and not a single Republican or Democratic Member of the Senate dissented. As such, we expect the Senate will continue its tradition of approving highly competent, qualified individuals to the Supreme Court in an up-or-down vote, following a thorough vetting process.

I thank President Trump for nominating to the Supreme Court a judge who has lived up to the Scalia gold standard. I also thank the American people who voted in November in support of our efforts to retain Scalia's legacy on the Court when his replacement is confirmed.

Perhaps most importantly, I thank Judge Gorsuch for his lifelong commitment to defending our Constitution and applying the law as it was written. If confirmed, I am confident he will be an outstanding member of the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I would like to continue the debate on the measure before the Senate, which is to basically overturn a provision that would require coal polluters to make sure they clean up the damage they do to the clean water streams of our Nation.

We are here today because the agency who is in charge of setting these rules has finalized a rule. They did so after more than 5 years of discussion. They set it because there was so much scientific information about the great degradation to our streams caused by mining, when rocks are blown up and selenium is introduced into the stream. I have pictures I showed last night of deformed fish, pictures of river streams that are polluted. I have pictures of obvious degradation of the environment around them.

The real issue is, the rule is now in place, and my colleagues want to exempt the coal industry from such regulation. Why would you want to exempt anybody from cleaning up their mess? Polluters should pay. I know my colleagues are starting to chorus on some refrain about the economy, which makes no sense. Natural gas has driven a very competitive market to consuming more natural gas than coal,

and Wall Street blew up the pension program of the miners, and now it is in jeopardy. If you want to help miners, then come address their health and safety and their pension program. If you want to make natural gas more expensive, maybe you could make coal competitive again, but I don't think that is what we really want in America.

My colleagues somehow ignore the fact that the people of the United States of America are going to demand clean water one way or another. You can protect the coal industry here with special interests and the amount of lobbying they do, or you can step up this process and have a regulation that works for the United States of America so the outdoor industry, sportsmen and fishermen—who have many more jobs—can continue to thrive. Why do I say that? Because my colleague from Texas brought up the EPA nominee, Mr. Pruitt, who is coming to us from Oklahoma. I found, with great pleasure, the same arguments that the other side of the aisle is trying to make, they tried to make in Oklahoma. ''Oh, my gosh. It is environmental regulation that is stopping us from producing a greater, more robust farming economy. We need to do something to stop those untoward regulations.''

What did they do? They had a big initiative for the ballot that basically said: Let's make it really hard for anybody to regulate in regard to farming, unless they show it is somehow in the greater State interest. Even in redstate Oklahoma, they got it. They knew it was a fast run on the Clean Water Act, and they defeated that basically 60 to 40.

If we want to have a debate by debate, State by State, a discussion about clean water because people here will not defend the right for people to have clean streams, then we will have that debate. My colleagues sometimes try to say: Well, this is what attorneys general are concerned about. Some of them don't like the rule. You have ample opportunity to change the rule. You could come here and propose legislation. You could ask your colleagues now to do something and move forward on an alternative, but that is not what is happening. This egregious approach is not only getting rid of a rule that currently protects us, for safe streams, but because it is a Congressional Review Act overriding that rule, it will prohibit us from taking up, in the same fashion, an approach to make sure this is regulated in the future. That is right. Turning down the rule this way will stop an agency from doing the job it is supposed to do. Why not just leave it to the States? That is like saying: I am going to leave clean air, clean water, or nuclear waste cleanup to whatever a State decides. That is not what Federal law is about.

Here is an editorial from Kentucky where a ''proposed $660,000 settlement of the Clean Water Act violations between the State's environmental agencies, and two of its largest companies, underwent a 30-day review.'' What was that about? That was about the State of Kentucky failing to implement the old law. This was in 2010. The State of Kentucky's Attorney General—they were such laggards at this—people sued the companies in the State because the State wasn't doing its job. Eventually, they uncovered, as the article says, ''massive failures by the industry to file accurate water discharge monitoring reports. They filed an intent to sue, which triggered the investigation by the State's energy and environmental cabinet.'' The notion that States are on the job and doing their job in Kentucky—they weren't.

A State case was provoked by other people who were monitoring for clean water. It is our prerogative to set a standard for miners to clean up their mess. That is what we are talking about. Now the other side of the aisle wants to overturn that, saying that polluters don't have to pay.

How did we get to this situation? As mentioned, the past administration worked hard at coming up with a stream protection rule. Why did they come up with a new stream protection rule? Because it had been 33 years since we had a stream protection rule. The old rule did not prohibit mining through streams. Guess what? Neither does the new rule. The new rule says you are not prohibited from mining through a stream, but by gosh you ought to be required to mitigate the mess you create in the water system by mining through that stream.

We are talking about mitigation requirements, and we are talking about measurements. Why do we need that? Because since 1983, when the previous rule was put in place—we now know that things like selenium cause very bad things to happen in water, with rocks and the discharge. We know selenium can cause the deformation of fish and that eating those fish can make you sick. That is why we want to have a rule to understand the impacts and to mitigate for them. I think about this particular picture, and the deformation in the fish tail and in the fish lip—the front end of the fish—are extreme examples of what selenium is doing in our water supply. Why would you not want—as someone blowing up a mountaintop and creating this kind of stream damage, why would you not want them to mitigate that? Why would you want to protect them? Because you think you are protecting some coal industry jobs that basically have fallen off because natural gas has become a cheaper product? Your economic strategy is a race to the bottom. You think if you have the lowest environmental standards in the United States of America, that is somehow going to generate jobs? I think it is just the opposite. I have so many people in Washington State who say: I can't attract employees unless we have a clean environment here because people want to live in a clean environment, they want to fish, they want to hunt, they want to recreate, and they want an opportunity to do so. As a company, I can attract the best and the brightest because they know they are going to live in that kind of environment.

The notion that this kind of ''let us make sure the coal industry doesn't have to play by the rules, they get an exemption from clean water'' is some sort of economic strategy for the future of coal country, it is absolutely not.

Saying that AGs are going to do the job, we have many examples of where they haven't. There are also examples from Ohio and Pennsylvania, where the degradation is so bad it is nearly impossible to clean up.

Let us talk a little bit about the comparison of jobs from outdoor industry and the coal industry. It is not to demean the jobs of the coal industry and the individuals who have worked their whole lives in that sector or to say that one job is better than the other. There are over 6 million jobs directly in the outdoor industry. They generate $80 billion in tax revenue, but if you come to Montana and there is a mine on top of a stream and people don't want to go there to fish and recreate anymore, then you have caused damage. What are we talking about by State? Let's look at it. Montana, there are 64,000 jobs related to outdoor recreation. Why? Because Montana is beautiful. It has so many streams. I mentioned last night that wonderful movie called ''A River Runs Through It.'' It doesn't say, ''A River Runs Through It and a Mountaintop Mine Sits on Top of It.'' That is not what that movie was about. It was about the beauty of the great outdoors. There are 122,000 recreation jobs in Utah. There are 125,000 in Colorado, 50,000 in Wyoming. There are 28,000 in North Dakota. Are people down here defending those jobs? I am defending them because a clean stream is a great source of recreation for people. I don't want to fish or hike in a stream with selenium that could poison me or poison other people. What is wrong with polluters paying? I say nothing.

The economic cost of this legislation is very minimal. The industry would be responsible for less than .01 percent of the economic cost; that is, the pollution that would be required to clean up from this type of effort would be minimal to the industry. So what are they complaining about? What are they complaining about? They don't want to measure selenium in the water. They don't want to be responsible for mitigating it.

The economic challenges that the industry faces from natural gas have nothing to do with this issue. This issue is about whether polluters should pay and whether we as a body are going to not only overturn this rule that is about clean water and safety for our communities by having streams protected. It is also about whether we are

going to preclude another administrative approach to fixing this issue.

The Congressional Review Act is a very large cannon blowing a hole in the clean water requirements for the coal industry. Once you turn this down, you cannot easily reinstate something new. So our colleagues on the other side of the aisle, if they truly wanted to do something about this, could come to the floor today and say: I propose something different. President Trump, if he wanted to propose something different that both guaranteed clean water and moved us forward, he could propose something. Instead, they simply want to repeal this.

So this chart shows just what I have been referring to; that coal basically now in 2016 is getting beat by natural gas. It is getting beat by natural gas because it has become a cheaper source. We are not going to get into the details of how that happened, but we are going to say here today that the notion that you want to let them off the hook from meeting environmental rules and regulations as a way to be competitive is a dangerous, dangerous precedent for the United States to be setting.

We will not win, and our economy will not win from that situation. What we have to do instead is make sure that we are taking care of our environment and being competitive in all sorts of industry issues. For example, this story was about, in West Virginia, how mountaintop mining caused a fish species to disappear. ''We are seeing significant reductions of the species of abundant fish downstream from mining operations.''

To me, that would be an anathema in the Pacific Northwest. Fishing is everything. If somehow we were involved in a mining process that was killing fish, that would be the worst thing that could happen to our economy. There is no reason for us not to set rules and regulations to make sure the mining industry cleans up their mess.

I hope our colleagues will understand how detrimental this rule is. Do not give the mining companies an exemption from cleaning up messes in their streams. Let's say that we are going to do the public interest and not special interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, today we are going to be voting on the first of what will be many resolutions of disapproval under the Congressional Review Act to roll back the avalanche of Federal regulations that the Obama administration placed on the U.S. economy and, most importantly, the working men and women of this great country.

Nowhere have these regulations been more of a burden than on the energy industry of America, which employs millions, millions of Americans—Democrats, Republicans, good, hard-working Americans, and thousands of hard-working Alaskans, my constituents. So I am particularly pleased that the first of these actions—and we are going to be using the Congressional Review Act a lot because the economy and families in America need relief—in the Senate is to nullify the so-called stream buffer rule of the Department of Interior.

My colleague and friend, the senior Senator from Alaska, Ms. MURKOWSKI, was down on the floor a little bit about ago. She described just how sweeping this rule was in scope and how despite the Federal law called SMACRA, which requires cooperative Federalism, working closely with the States, the Obama administration did not give the States any input—certainly not my State.

But what I wanted to talk about on this rule in particular and why it is so important to have not just Republicans but Democrats—and I am going to encourage my colleagues on the other side of the aisle to please support this resolution of disapproval—why it so important we vote for this resolution of disapproval today is because of the coal miners in America—the coal miners in America, who have been under incredible strain and their families.

The vote we take today is going to offer them the first signs of relief in years. Now, there were projections by the Department of Interior's own contractors—as my colleague, Senator MURKOWSKI, mentioned a little bit ago—that thousands of coal miners would lose their jobs because of this rule—thousands.

A study showed that estimates would be one-third of coal miners, coal-mining jobs in the country were at risk because of this rule. That is a big deal. That is a big deal. One-third. Studies are showing that by the Department of Interior's own contractor. But not to worry, the Obama administration issued the rule anyway. Again, as my colleague Senator MURKOWSKI mentioned, there were concerns—very legitimate concerns in my State—that this rule could literally kill every coal-mining job in Alaska, at the Usibelli coal mine in interior Alaska.

So what was the so-called stream buffer rule really about? What was it? Well, I think we all know. It was the last salvo in the Obama administration's arsenal in the war on coal miners, a war that has left thousands of hard-working Americans out of work, injured, in despair in its wake. That is what happened. Just look at what happened. Look at our own Federal Government going to war against hard-working Americans. That is what happened for 8 years—disgraceful in my view.

Now it is time to fight back. Now it is time to fight back. Now it is time for this body to show coal miners in America that we are actually on their side and not against them and not trying to ruin them and their families. I want to recount a recent colloquy by a bunch of my colleagues from the other side of the aisle from last December—right before recess.

Many of my colleagues—all of whom I respect highly—on the other side of the aisle, my Democratic colleagues, came down to the floor. They were saying how coal miners of America were under siege, how they needed help. They were talking about my good friend and colleague Senator MANCHIN's bill with regard to protecting coal miner pensions, which, by the way, I am a cosponsor of.

So I agree about protecting our coal miners, but I watched a lot of those remarks. My colleagues were down on the floor for several hours, but what I found very ironic was that I looked at a lot of these Senators and asked: Where were you during this 8-year war against coal miners? What were you doing? I hate to say it, but a lot of them were allies in the Obama administration's assault on hard-working families and coal miners.

I am not saying that about my good friend from West Virginia, JOE MANCHIN, but there were a lot who were. Heck, some were even leading the charge, but, nevertheless, several were down here on the floor right before the holidays lamenting about what has happened to the coal miners in America. So to my colleagues who were down here shedding tears for America's coal miners in December, I want to offer a challenge to you. Here is your chance. Here is your chance. This is a rule that our own Federal Government has said will put thousands of coal miners out of work. If you really care about the coal miners of America, whether in West Virginia or Alaska, come down on the Senate floor this afternoon when we have this vote and vote for this resolution of disapproval, if you want to help the coal miners, if you want to turn this around so there is no war against them, led by the Federal Government. Its own studies said: Yep. Sorry. You and your families are going to be out of work. If you really care like you were saying in December, then come down to the floor today and vote for this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I think my colleague from Massachusetts is here on the floor to speak. I will let him have some time.

I would say to my colleague from Alaska, the real bait-and-switch is the side of this aisle that allows the Finance Committee to pretend like it is going to do something on the pension program and votes a month before the election, and then after the election, fails to act on such an important issue. I hope people are not advocating pollution as an economic strategy because it will not work.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I thank the Senator from Washington State for her tremendous leadership on all of these environmental issues, which are now on the table in our

country for the first time in a generation.

TRIBUTE TO BILL BONNAVILLIAN

Before I turn to the resolution the Senate is debating, I want to take a minute to recognize the contributions of Bill Bonnavillian to advancing America's science and technology policy. Last month, Bill stepped down as the head of the Washington office of the Massachusetts Institute of Technology after 11 years.

Bill's leadership of the office continued MIT's historic role of providing a vision for advancing science policy and ensuring that knowledge generated at MIT was relevant and available for policymakers in Washington, DC. His leadership will be missed at the MIT Washington office, but I am glad to know he will be staying engaged with the MIT community. I hope he will continue to provide guidance to this body since now, more than ever, we need science to inform the decisions we are making on the Senate floor.

Today, Madam President, congressional Republicans are beginning the process of going one by one to overturn commonsense rules that have long been opposed by the oil and gas, coal, and other industries in the United States of America. The majority is trying to undo these rules by deploying a rarely used procedural tool known as the Congressional Review Act.

In fact, the majority is talking about using the Congressional Review Act, or CRA, so often that it could actually get hard to keep track of which industry is benefitting from week to week to week from the Republicans' use of the CRA. I brought down a helpful tool so the viewers at home can keep track of which industries are benefitting each week from Republicans using the CRA to roll back protections for public health, for clean air, for clean water, for clean soil, for the health of the families in our country.

So let's consult our wheel to see who is the big winner of the GOP giveaway this week.

Up first are the mining and the coal industries. They are the first big winners of the GOP Congressional Review Act wheel of giveaways. That is right. First up for repeal by the Republican Congress are public health protections against the toxic practice of mountaintop removal coal mining.

These protections were put in place by the Obama administration because a Bush-era rule was thrown out by the courts. These commonsense rules to monitor and ultimately restore streams impacted by coal mining are despised by the coal industry. Those that created the problem despise any rules that would require remedying the problem, as it affected public health—no surprise.

Mountaintop removal mining is one of the most environmentally destructive practices on Earth. Mountains are turned into barren plateaus. Streams in the bottoms of nearby valleys are filled with debris and buried. Heavy metals destroy water quality for nearby residents and ruin ecosystems.

The rule that the Republicans are attempting to repeal today protects the public health and drinking water of millions of American citizens in Appalachia and elsewhere across our country.

The rule requires that lead, arsenic, selenium, and other toxic pollutants are monitored. It requires that streams that are damaged or destroyed must be restored.

Now, the majority likes to say that there is a war on coal, but the only war that coal is losing is in the free market to natural gas, to wind, to solar. These are the sources of electricity that the utilities of our country, that the citizens of our country have been moving to over the last 10 to 15 years. There is a war going on in the marketplace.

Adam Smith is spinning in his grave as he listens to the Republicans trying to protect an industry from market forces. Adam Smith is actually spinning so fast in his grave that he could qualify as a new energy source for our country. That is how shocked he would be about this attempt to undermine the public health and safety in our country on behalf of an industry that is losing a battle in the marketplace.

It is the free market that ultimately is causing these changes, and the coal industry is saying: Please protect us from having to protect the public health and safety—clean air, clean water. Please protect us from having to protect families affected by our industries.

A few years ago, we generated roughly 50 percent of our electricity from coal. Now it is down to 30 percent of all electricity generated in our country from coal—50 percent to 30 percent of all electricity in a handful of years.

Coal has been replaced in the free market by natural gas, which has grown from a little over 20 percent of U.S. electricity generation a decade ago to 35 percent today. That is coal's big problem—natural gas, another fossil fuel, but one that emits one-half of the greenhouse gas pollutants as does coal.

Coal has also been replaced by clean energy, by wind, especially, which has grown by 5 to 6 percent of our generation, and by solar, which is now 1 percent of our generation.

In other words, if you go back to 2005 and you look at our country, natural gas was a relatively small percentage of electrical generation, and so were wind and solar. As we debate this issue here today, wind and solar are now up to 7 percent of all electricity generated in our country, up from 1 percent just a little bit more than 10 years ago. It is growing so fast as a preference for American industry, American utilities, and American homes, that it poses a marketplace threat.

So what we need to do now, finally, is to have the big debate out here as to what are the implications for public health and safety and what do we have to do in order to maintain the high standards that we have created for the protection of families over the last generation.

Last year, electricity generation from natural gas surpassed that from coal for the first time since 1949, when data collection began. Why? To quote the Department of Energy:

> The recent decline in the generation share of coal, and the rise in the share of natural gas, was a market-driven response to lower natural gas prices that have made natural gas generation more economically attractive.
>
> Between 2000 and 2008, coal was significantly less expensive than natural gas. However, beginning in 2009, large amounts of natural gas produced from shale formations changed the balance.

While the cost of coal has risen by 10 percent since 2008, the cost of natural gas has fallen by more than 60 percent. For a power producer considering new generation capacity, the lifetime cost of electricity from a new coal-fired powerplant is 67 percent higher than from a new natural gas powerplant and 17 percent than from a newly constructed wind farm, according to the National Academy of Sciences.

The reason no one is building coal-fired powerplants is very clear: It is the free market. Coal cannot compete in the free market. In 2016, we added more than 14,000 new megawatts of solar. We are going to add 7 to 8,000 new megawatts of wind. We are going to add nearly 9,000 new megawatts of natural gas, and we added virtually no new megawatts of coal-fired generation in our country. We are projected to add no new coal generation this year as well. It will be more natural gas, more wind, and more solar.

The marketplace is rejecting coal as a source of electricity. The marketplace is doing that. This isn't a conspiracy. It is competition in the free market.

Lest my colleagues think that this is just happening in the United States, it is not. More than half of all electrical generating capacity added in the world last year was renewable.

Let me say that again. More than half of all new electrical generating capacity added in the world last year was from renewable energy—wind and solar—across the planet.

China recently announced that it intends to invest $360 billion on renewable energy by 2020. They intend to create 13 million Chinese jobs in renewable energy in that time.

This isn't a conspiracy. It is competition, and the competition for those clean energy jobs is global.

When we started carrying iPhones, it wasn't a war on black rotary dial phones; it was a technological revolution. When we started using Macs and PCs, it wasn't a war on typewriters; it was a technological revolution. The horseless carriage wasn't a war on horses; it was a technological revolution that moved us to automobiles.

The move away from coal and oil toward clean energy and natural gas isn't

a war; it is a revolution—an American-made free market revolution.

We now have more than 400,000 Americans employed in the solar and wind industries. By 2020, there are projected to be 600,000 Americans working in these clean energy industries. It is not a war. It is a revolution.

Now, next there is going to be another industry to win in the CRA, the Congressional Review Act giveaway game. That is right. The next winner will be the oil and gas industries.

Republicans intend to move to overturn a bipartisan requirement under the Dodd-Frank bill that publicly traded oil, gas, and mining companies disclose to their investors when they make payments to foreign countries, but that requirement is vigorously opposed by ExxonMobil, the American Petroleum Institute, and the oil and gas industry.

Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act was a bipartisan provision authored by Senators CARDIN and LUGAR. It requires oil, gas, and mining companies to disclose payments to foreign governments, and that is now in jeopardy.

The Dodd-Frank disclosure rule goes to the core of the Securities and Exchange Commission's mission of investor protection. Secret payments can easily be expropriated by corrupt governments. They can also be a signal that a company is involved in risky business overseas—risks that investors need to know about when making investments.

By eliminating this disclosure requirement, using the Congressional Review Act, we are potentially allowing for oil companies to make secret, undisclosed payments to foreign governments. Those could include payments intended to gain an advantage over other companies or even bribes to foreign officials.

Eliminating this disclosure requirement could allow for oil companies to make secret payments to foreign nations that could have serious implications for these nations and for investors.

I urge my fellow Senators to reject these resolutions and keep in place the commonsense protections for public health, clean water, and financial disclosure.

Earlier today, the Republicans on the Environment and Public Works Committee reported out the nomination of Oklahoma Attorney General Pruitt.

Democrats on the committee have grave concerns about his ability to uphold the EPA's mission to ''protect human health and the environment.''

So what we are talking about here is the totality of a picture. The use of the CRA to—one by one by one—go after these environmental protections that have been put in place to increase the health of Americans, to reduce their exposure to arsenic, to lead, and to other dangerous chemicals. This first one that we are debating goes right to the heart of that issue. What the coal industry is doing is using the justification of their need to be competitive with the natural gas, wind, and solar industries, a battle they are losing in the financial marketplace, as a justification for undermining the public health of our country so they can be more competitive.

In other words, the price to be paid to make the coal industry more competitive with other industries to which they are losing market share in the electrical generation market is that the public health has to be compromised and we have to turn a blind eye to the impact on the children and the families in our country who are being exposed to these dangerous chemicals.

That is the price we have to pay as a nation? It is unacceptably high.

So Adam Smith looks on, and Adam Smith judges us here today.

This marketplace defeat of coal by natural gas, wind, and solar is one that is being used to hurt children and hurt families in our country. I do not think it is an acceptable position for our Nation to take. I urge a rejection of that motion.

I yield back to the leader of this effort on the Senate floor, the great Senator from Washington.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the opportunity to get wedged in here. There are a number of very interesting things happening today. One is the CRA that I am very much concerned about. I know that my good friend from Massachusetts did not misrepresent something intentionally; however, this is a little bit more complicated than people think it is.

I spoke earlier this week on our need to roll back a lot of these regulations that were handed down during the Obama administration. They are all a part of that War on Fossil Fuels, and as you hear, that war is still going on with some of those individuals. However, President Obama is gone, and now we have to look at some of these overregulations.

For a number of years, I chaired the Environment and Public Works Committee. During that period of time, that particular committee had the jurisdiction over the EPA, which is where most of the bad regulations came from. When I say ''bad regulations,'' I am talking about the overregulations that make it very difficult for our companies to compete with foreign companies that don't have these types of regulations.

Let me share something that is not very well understood, and that is what a CRA really is. There are a lot of people of the liberal persuasion who would like very much to have everything they could regulated in Washington, DC. For example, one of the fights we had was the WOTUS fight. If you ask any of the farmers and ranchers in America—not just in my State of Oklahoma but Nebraska and many other States—what is the most serious problem they have, they would say it is the overregulation of the EPA. If you ask them, of all the regulations, which ones are the most difficult for the farmers out there trying to scratch a living, they will say it is the regulations on water.

Historically, the jurisdiction of water is a State jurisdiction. Now, a liberal always wants that jurisdiction to be with the Federal Government in Washington. That is their nature. I don't criticize them for that. They believe that. But if you ask the farmers in my State of Oklahoma, they will say they don't want that to happen. Historically, water has always been the State's jurisdiction, with the exception of navigable water. We understand that navigable water should have a Federal jurisdiction. In fact, I would have to say there was a real effort 6 years ago by a Senator who at that time was representing the State of Wisconsin and a House Member who was representing a district in Minnesota. Those two individuals introduced legislation to take the word ''navigable'' out of water regulations so the Federal Government would have jurisdiction over all of the water in the States as opposed to the State having that jurisdiction. Not only did we defeat the legislation, but both of those Members were defeated in the polls when they came up for reelection on that issue. The people are clearly on our side.

Where does a CRA come in? A CRA is something that has been used to shed light on what we are doing here. I am talking about with respect to our elected representatives. If there are regulations that are punitive to the businesses back home, when the Senator goes back to his or her State, they can say: Well, that wasn't I, that was an unelected bureaucrat who did that. I am opposed to it. They have a shield so people don't really know where they stand. A CRA takes away that shield because the CRA challenges a regulation, and it has to be voted on, forcing Members of the Senate and the House to be responsible for how they are really voting. It is a way of shedding light.

We have a lot of CRAs coming. One is going to be a CRA that I sponsored having to do with a regulation in the Dodd-Frank bill, in section 1504. As I mentioned, most of the overregulations come from the EPA, but this particular regulation didn't come from the EPA. It came from the Dodd-Frank banking legislation having to do with financial services. It is in a section that had nothing to do with financial services. Section 1504 requires all information to be made public that would come from a bid. In the United States of America, our oil and gas companies are in the private sector, but in China it is run by the government. If we are competing for an oil and gas issue that might be in Tanzania and we are competing with China, China would be competing as a government, and we would be doing it

in the private sector. Section 1504 requires the private sector to disclose all elements of their bid when they are competing for a contract with China. The reason for this initially was to preclude a country's leaders from attempting to steal money that was given to them for a certain oil project. With this disclosure, they would not be able to do it. Well, you don't have to have all the components of the bid. All you have to have is the top line, how much money was actually sent to, in this case, the country of Tanzania.

The courts came along in 2014 and said this regulation was wrong. There are a couple of problems. One problem is that there is no reason in the world that you should have a mandate to disclose all the details of a bid because that is giving away information to the competition, giving the other side an advantage. The other problem is the expense of it. We are talking about $600 million a year that would be borne by the private sector in America that China would not have to pay. So it only punishes those within the United States.

After the courts threw this out, the SEC should have reworked the rule. They were instructed to rework the rule so every detail of the bidding did not have to be disclosed, just the total amount. That solved the problem that was perceived to be out there because then it would be known that so much money, for instance, maybe a check for $50 million, would go out, and we wouldn't have to break down the details of it. The main thing is, we need to know, in good government—and that was the intention in the first place—how much money was going to a foreign government.

Some have argued that the CRA is motivated by companies who want to get around transparency. That is clearly not the case. The courts have said it is not the case. Oil and gas companies in particular are longstanding supporters of greater transparency initiatives such as the Extractive Industries Transparency Initiative, the EITI, that is a multilateral, multistakeholder global initiative composed of energy companies, civil society organizations, and host governments. The EITI rules would apply equally to all companies that would be operating in a country. That would level the playing field.

We have also heard from those on the left saying that voting to repeal the rule would be a vote in favor of corruption. Yet, importantly, the United States already has in place the Foreign Corrupt Practices Act, which prohibits the paying of bribes to foreign officials to assist in obtaining or trying to retain business. The Federal Government is able to bring civil enforcement actions against companies that violate this rule, and section 1504 of the Dodd-Frank Act did not change that. That was in place before and is still in place now. If we pass the CRA and eliminate section 1504 of the Dodd-Frank Act, it is not going to change things.

There are others in the humanitarian community who have expressed concern to me that the CRA will undermine efforts to fight corruption in other governments around the world. Let me assure you that I support your goal.

The courts were emphatic when they said this regulation should be repealed. In fact, it was taken down by the court way back in 2013. Well, it has come back up again. What we want to do is merely comply with what the courts told us to do in 2013, and that is to use the CRA to knock out this section 1504 and go back and rewrite it to take out merely the requirement for a breakdown of all the individual elements of a contract. That is something we intend to do.

I see my good friend from West Virginia, who I think would understand just as well as anyone that when I go back to my State of Oklahoma, they say to me: You have a President—this was back when President Obama was President—who has a War on Fossil Fuels. Fossil fuels are coal, oil, gas, and I would include nuclear. Coming from my State of Oklahoma, they ask: Explain how, if 89 percent of the power that is generated in America comes from fossil fuels and nuclear and they are successful in doing away with it, how do we run this machine called America? The answer is, we can't. We have to have it.

I think we all understand what we want to do is have this rule changed so we are not put at a competitive disadvantage so we are able to go ahead and compete with countries that have a government-run system. To be able to do that, we need to rewrite this particular act. Again, the courts have already agreed to that and that is what we are attempting to do.

For those concerned about the timing and speed of the CRA, I have good news. The actual rule is not set to go into effect until 2018 anyway. The more swiftly we can enact the CRA, the more time it will give us and the SEC to rework it. This is something that is perfectly acceptable.

Some of my critics say we can't come back with a rule that is substantially the same. This will not be substantially the same. Actually, this is what the court recommended in 2013.

In closing, I want to ask this question: If we put forth a rule that makes it harder for U.S. companies overseas, who will fill the void? The U.S. companies have the best environmental standards, the best labor practices, and the least corruption of many of the other countries. However, if this vacuum is there, the business will go to companies from China, India, and Mexico that don't care about pollution and don't care about labor standards. That is not what we want to have happen. What we need to do is foster a strong competitive environment, with reduced corruption overseas, for the benefit of those living under these governments.

So I invite my colleagues to join me in this effort to do away with this regulation through the CRA and to repeal section 1504 of Dodd-Frank and rewrite it so it accomplishes the goal of stopping corruption and at the same time is not going to put us at a competitive disadvantage.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise also to speak about the rule. I want everyone to know that the State of West Virginia has been a heavy-lifting State. We are a construction State. We mined the coal that made the steel that built the guns and factories that enabled our Nation to defend us and gave us the great country we have.

We have done everything. There is no one in West Virginia, Oklahoma, or any extraction State who wants dirty water or dirty air. Pitting people against each other is just wrong. The way this comes down is that this is a duplicative rule, this stream protection rule that was put in place.

My colleagues know that last year the Department of Interior Office of Surface Mining and Reclamation Enforcement basically decided to send the final stream protection rule to the White House without fulfilling their obligations or even a request by myself to contact and work with the local authorities and to work with the States that are involved. They did nothing. They would not reach out to us whatsoever. This was one of many of President Obama's administration's regulations that absolutely crippled West Virginia families and businesses with no plan to replace or create new jobs or help these communities.

Not only is this rule very alarming in its scope and potential impacts, the rulemaking was executed in a very flawed way. The rules by the Department of Interior and Office of Surface Mining and Reclamation must be based on comprehensive data that is available to stakeholders, particularly when those rules threaten to eliminate thousands of jobs. All we have asked was to come to the DEP, the West Virginia Department of Environmental Protection, and tell us what is not working, tell us what you want us to do differently, work with us and help us strengthen where there is a flaw.

Not once did we ever get that type of courtesy. States critical to the implementation of this rule were left out of the process in any meaningful way. The Office of Surface Mining failed to work with States throughout this process, despite the clear congressional intent. Furthermore, agencies should not be assuming duplicative rules that overlap regulations under other environmental laws such as the Clean Water Act.

This rule is excessive and duplicative. It has over 400 changes to the Surface Mining Control and Reclamation Act—which is what we refer to as SMCRA—that duplicate existing practices and protections that the EPA and the Army Corps already oversaw.

So, basically, we already have two agencies that have to do with any type of permitting that goes through the EPA, in conjunction and in alliance with the Army Corps. This overstepped and took all the powers away from them completely. Why would we want to duplicate? If we have an agency that is not doing its job, either change the personnel or get rid of the agency; don't just create another duplicative role and another agency to oversee it.

During my time in the Senate, I have been committed to policies that protect our coal-mining communities and economies, and that is why I introduced this resolution of disapproval to undo this harmful, duplicative regulation.

I am a firm believer in the balance between the economy and the environment. I believe that everything we do in life should have a balance, and we should try to find that balance. But when you are trying to basically use overreach, duplicative rules—a nuisance—which do nothing but create havoc and make it almost impossible to go forward, you can't hire enough lawyers and enough accountants to get through the paperwork the government can put on you.

But never once, from any of us—from West Virginia or any other State that does the heavy lifting—none of us think that we should discard the Clean Water Act or the Clean Air Act. Those are things that we will cherish and we will protect, and those came about by Republicans and Democrats working together—Republican administrations. We are all for that; we are just not for beating us over the head with a hammer when we can work to fix things if we think there is an error.

The consequences of this regulation will have far-reaching impacts on the future of coal mining and therefore all other things we can count on. I think, as the Senator from Oklahoma just said, in West Virginia, we have what we call ''all of the above'' energy. We want all of the above to be used, and use it in the cleanest fashion, and design and develop new technologies that we can use and depend on. We depend on coal, we depend on natural gas, and we depend on nuclear power for the majority of our energy.

The other thing I have said is that I believe we should be developing renewables also, and we are doing that. Wind, solar, biomass—we do everything. But if you believe that is going to run the country in the energy you use every day and take for granted, then tell me what 4 hours of the day you want your electricity to run. What 4 hours of the day do you want your refrigerator to stay cold? What 4 hours of the day do you want to heat your home? Tell me what 4 hours of the day you take for granted that anything and everything you want works 24 hours a day, because you will not have baseload. Those are the facts. If you don't like it, then let's continue to work to make it better, but don't just put your head in the sand and say: I am going to have whatever I have. This will work fine. And I have no fossil. I don't need fossil.

I am sorry, the world doesn't work that way. This country doesn't work that way. The grid system—your light switch—doesn't work that way.

So today once again I am standing on behalf of West Virginians and commonsense people all over this country, and we have a lot of them in West Virginia. I ask my colleagues to hear their voices and vote in support of this resolution that gets rid of these overreaching, duplicative rules that do nothing but create havoc on the economy and the well-being of the citizens of our great country.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I think all of us understand the gravity of moving forward on a CRA. It is not a usual procedure; it is limited in terms of filibuster rules, and it is extraordinary. In this case, unfortunately, it is necessary. Had the previous administration actually listened and worked constructively with Senator MANCHIN and me and my utilities and the coal industry in North Dakota, we would not be standing here now.

This was a rule that had a specific intent of addressing mining practices in Appalachia. Yet the former administration made the rule applicable to the entire country.

I don't know that any of those folks drafting the rule had ever been to North Dakota to see just how different our mining practices and geology are compared to Appalachia, so I invited former Assistant Secretary Schneider out last year to take a look for herself. When she came out, she heard directly from North Dakota utilities, regulators, and coal companies, and she saw how our operations differ and how my State is a national leader in reclamation. Based on the final rule, it is apparent that the rule was already made before her visit, and the input of the folks back home in my State, quite honestly, was not taken seriously.

North Dakota coal stakeholders estimate that the rule could cost coal producers in North Dakota alone approximately $50 million annually in additional compliance costs and take more than 600 million tons of otherwise mineable, affordable coal off the table.

I will tell you, when you look at the landscape of North Dakota and you are sitting there and you are explaining this and you are showing how one rule would require equipment to be moved, draglines to be moved, and how all of that makes absolutely no sense in terms of the resource and, in fact, in terms of the difficulty of actually doing reclamation that needs to be done in that situation; when you are standing out there and you actually look at it, the only conclusion you can come to when you see the net result of this rule is that it was intended to shut down coal mining. That is the only conclusion I could come up with. It wasn't about clean air and clean water; it wasn't about protecting this resource; it was about shutting down the coal mines.

So this impacts not only the ability of our utilities to access this affordable and abundant resource, it hits thriving rural communities throughout North Central North Dakota, communities like Hazen, Washburn, and Beulah that rely on coal for good-paying jobs, for funding our schools, for fire protection, for law enforcement and other community resources that allow our rural communities and healthy middle class to thrive in the State of North Dakota.

One-size-fits-all rules do not make any sense. And when you look at the application of this rule and once-size-fits-all, it clearly makes no sense. The beautiful mountains, forests, and streams that dominate the West Virginia landscape, as just described by my great friend Senator MANCHIN, are nothing like the rolling prairies, the buttes, and the prairie potholes of North Dakota. How anyone can look at these two States and think that a rule which is promulgated which will be universally applied can logically be applied to those two different landscapes—the logic of that completely escapes me.

A rule that requires enhancements to the land, including trees and permanent fencing to keep livestock away from streams—well, in North Dakota, we are pragmatists. Not only do we return the land to the same or better condition, we usually convert that land from farm or ranchland to this beautiful landscape we see here.

I want everyone to understand what reclamation looks like. I want you all to understand that this used to be a strip mine. This used to be a big hole in the ground producing coal. And over generations, and restoring this to the topography—the biggest challenge we have in North Dakota is convincing the original landowner, who would love it to be straight so it is easier to farm, that we have to put it back the way it was.

My colleagues can look at this landscape, and they cannot tell me that the company that did this and the State that set the standards and the commitment that was made to reclamation was not honored; that it is not working in North Dakota and that we need a one-size-fits-all stream regulation to fix a problem that doesn't exist—a problem that is going to cost us $50 million and hundreds of jobs in my State. This is exactly why the people of this country get frustrated, and the people of this country do not understand why Washington, DC, thinks they know it all.

As a matter of fact, our reclamation programs are highly regarded, and we are, in fact, recognized for doing the best reclamation in the country. I would point to the 2016 Abandoned Mine Land Reclamation Small Project

Award that went to our mine reclamation project in Bowman, ND.

Our coal industry and our utilities are always willing to work with the Federal Government on regulations that focus on actual results, on improving environmental safety and standards. They are willing to do that again. They have never had an issue with updating this regulation. All that was asked was that the former administration listen to them, actually believe their eyes when they see the work we are doing and understand the impact of that rule.

It was done in haste, it was done hurriedly, and it was done so they could check a mark and say: See, we really are leaving it in the ground.

If you want to be leave-it-in-the-ground, then have the courage to come here and say that this country, in the next 20 years, will not extract one fossil fuel from the ground.

I have great respect for Senator MARKEY. He was just here talking about how we have made progress because of the conversion from coal mining to natural gas. It is a little disingenuous, I would say, because the whole while, we are talking about how this conversion would not have been made possible if it weren't for industry practices of utilizing fracking to extract natural gas.

This is a structured movement using bogus regulations to promote a national policy without having the courage to just advance that national policy forward, which is to leave it in the ground.

We heard from Senator MANCHIN. I want everyone who says: We are going to pursue a leave-it-in-the-ground national policy—I want them all to think about what that does to women and children who live on fixed incomes. I want you to think about what that means for reliable, redundant, and affordable power generation in our country. We are going to let the market decide.

We have moved toward wind energy, which, ironically, the big movement of wind energy was facilitated by a compromise we reached over a year ago that dealt with allowing for the export of crude oil out of this country—the lower 48—in exchange for more permanency and for production tax credits and investment tax credits. We can, in fact, achieve a public policy result if we work together and if we don't have hidden agendas like ''leave it in the ground.''

This rule was wrong, it was structured wrong, and it attacks an industry that does this. I will tell my colleagues, I have been out there. I have worked in this industry and I have been a regulator of this industry. This is not unique. This is what reclamation looks like in North Dakota. And to suggest that we have not been good stewards, to suggest that somehow we are contaminating this beautiful resource by what we are doing, is wrong on so many levels. It is costly to our consumers. It costs us jobs, and it is wrong on so many levels.

With that, I would say, please—this is a process that should only be used very rarely but I think is being used appropriately in this situation with the stream rule. So I stand with my friend JOE MANCHIN in helping sponsor this CRA. We will continue to fight for our industry, fight for our good-paying jobs, and fight for commonsense regulation that actually achieves the purpose of protecting this beautiful resource we have in North Dakota.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I am deeply concerned about efforts underway to use the Congressional Review Act to eliminate protections that have saved lives and cleaned up our environment. I certainly respect the views of my friend and colleague from North Dakota, but there are other perspectives to consider. And while today it is a stream buffer rule, tomorrow it will be some other rule intended to protect the health of our communities and our citizens.

The Congressional Review Act is a rarely used tool that can erase rules that have taken years and much public input to develop. Passing a CRA resolution, as we are being asked to do in this instance, also prevents us from implementing similar protections in the future. The reason is that by passing this kind of resolution, it prevents us from implementing any kind of other rule that is similar in nature.

Regardless of whether you voted for Donald Trump or Hillary Clinton, nobody wants to live in a dirty environment where we don't have clean water, clean rivers, clean streams, or clean air. Once again, we are being told to choose between a clean environment and creating jobs.

In Hawaii, we have one of the lowest unemployment rates in the country and some of the most robust protections for our environment. Today's debate over the stream buffer rule and future debates under the Congressional Review Act are not about States' rights. Today's debate is not about regulation for the sake of regulation. It is not about a war on coal; it is about preventing fossil fuel companies from creating unhealthy communities by polluting the water we drink and the air we breathe.

The Department of the Interior has been working on this rule for 7 years—7 years. It replaces an outdated regulation that was written during the Reagan administration in 1983.

Science has come a long way in 34 years. In that time, we have learned a lot about the detrimental impacts of coal mining on clean water and public health. Clean water is essential, and politically expedient decisions we make now will have lasting impacts for years to come, as families in Flint, MI, know all too well.

The stream buffer rule that we are being asked to undo requires coal companies to monitor water for contaminants. Communities have a right to know what is in their drinking water. They have a right to know that their water is clean. They have a right to know what kind of contaminants are in their water. I don't think this is an unreasonable expectation. Why are we making this debate a fight between supporting jobs for coal miners and clean water?

Divide and conquer is a time-tested tactic that ends up hurting vulnerable populations and communities. Let's not fall prey to such divisive tactics. This is why I am perplexed as to why we are voting to undo the progress we have made. I will be voting against the CRA and any other CRAs that harm our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

Mr. CARDIN. Mr. President, I wish to oppose the resolution of disapproval on the stream protection rule. Each Congress has an opportunity to promote having cleaner air and cleaner water. Our job description shouldn't include hollowing out the protections for clean air and clean water which previous Congresses have provided.

Clean air and clean water are vital not just to human health and the environment, but to our economy as well. The number of premature deaths due to poor water quality affects our economy. The number of school or work days missed due to health problems affects our economy. The ability of industries to have access to clean water affects our economy.

Like many of my colleagues, I am proud to represent part of Appalachia, in the western part of Maryland. I have enjoyed skiing, hiking, and simply enjoying one of the most beautiful places in our country. Recreational activities along the Appalachian Mountains depend upon clean air and clean water. And recreation is a huge part of expanding economic opportunities in Appalachia.

Over the years, I have met with many people directly affected by the mining practice known as mountaintop removal, and I have worked very hard to address their concerns in a bipartisan manner. For instance, in the 111th Congress, I introduced S. 696, the Appalachia Restoration Act, with the senior Senator from Tennessee, Mr. ALEXANDER, to help protect streams and rivers.

The stream protection rule updates 33-year-old regulations to implement the Surface Mining Control and Reclamation Act. The update establishes clear requirements for responsible surface coal mining that will protect 6,000

miles of streams and 52,000 acres of forests over the next two decades, preserving community health and economic opportunities, while meeting the Nation's energy needs.

The stream protection rule includes reasonable and straightforward reforms to revise three-decades-old coal mining regulations to avoid or minimize harmful impacts on surface water, groundwater, fish, wildlife, and other natural resources. There are a number of very positive, reasonable, and economically feasible changes in the proposed stream protection rule that make it an improvement over the existing regulations.

The rule incorporates the best available science, technology, and modern mining practices to safeguard communities from the long-term effects of pollution and environmental degradation that endanger public health and undermine future economic opportunities for affected communities.

The final Rule gives regulators more tools to measure whether a mine is designed to prevent damage to streams outside the permit area.

The rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

It would also require companies to restore streams and return mined areas to the uses they were capable of supporting prior to mining activities and replant these areas with native trees and vegetation, unless that would conflict with the implemented land use.

To help mining companies meet these objectives, the rule requires testing and monitoring the condition of streams that might be affected by mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other ''similar'' rule, unless Congress passes enabling legislation.

Opponents of the rule call it a ''job killer.'' That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the rule will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household's monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren't mutually exclusive. What they don't need is this attempt to gut a reasonable rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this resolution of disapproval.

Mr. SANDERS. Mr. President, I oppose the Republicans' current efforts to gut environmental protections that put industry profits before public health. In repealing the EPA stream protection rule, Republicans are again choosing to put the health and well-being of average Americans in jeopardy in favor of the interests of the Big Coal industry.

This bill seeks to unravel clean drinking water protections implemented by the Obama administration. The last time I checked, no one voted to pollute the environment in the last election. The majority of Americans do not agree that we should be dismantling protections that ensure clean air and clean water.

The stream protection rule shields communities from toxic pollution from coal mining, updating regulations that are more than 30 years old. These protections bolster those in the Clean Water Act and establish a long-overdue monitoring requirement for water pollutants—including lead, arsenic, and selenium—known to cause birth defects and other severe human health impacts. The rule was updated to better protect public health and the environment from the adverse effects of surface and underground coal mining.

This rule would protect or restore about 6,000 miles of streams and 52,000 acres of forest over two decades. It would prevent water pollution by authorizing approval of mountaintop removal mining operations only when natural waterways will not be destroyed, requiring protection or restoration of streams and related resources, such as threatened or endangered species. It gives communities in coal country much needed information about toxic water pollution caused by nearby mining operations. Long-term, the rule would ensure that premining land use capabilities are restored and guarantee treatment of unanticipated water pollution discharges.

Mountaintop mining destroys communities. Let's be clear. This rule helps protect communities from the pollution caused by mountaintop removal coal mining. In Appalachia, mountaintop removal coal mining has been responsible for the destruction of 2,000 miles of streams and 2.5 million acres of the region's ancient forests. States have issued advisories that people should not eat the fish in mined areas because of chemical contamination. In dozens of peer-reviewed studies, mountaintop removal mining has been linked to cancer, birth defects, and other serious health problems among residents living near these sites. According to Kentuckians for the Commonwealth, the public health costs of pollution from coal operations in Appalachia are $75 billion every year.

According to a 2011 study in the Journal of Community Health, in counties where mountaintop removal occurs, cancer rates are almost twice than those nearby where there is none. As many as 60,000 additional cases of cancer are linked to the practice within those 1.2 million Americans who live in these areas.

In addition, a 2011 study in the scientific peer-reviewed journal Environmental Research found that, even after accounting for socioeconomic risks, birth defects were significantly higher in mountaintop mining areas compared to non-mining areas.

Likewise, a 2011 study in the Journal of Rural Health found that areas in Appalachia with mountaintop removal have significantly higher death rates from heart disease than other areas with similar socioeconomic conditions. Researchers in the same Rural Health study estimated that more than 700 additional deaths occur annually.

Yet the rule is dogged by many myths and falsehoods spurred by the fossil fuels lobby. Almost a quarter of a billion dollars have been spent by opponents of the rule—the coal mining industry, electric utilities, National Association of Manufacturers, railroads, and the U.S. Chamber of Commerce—on political lobbying and campaign donations. They—and Republicans—claim that implementing this rule will kill coal production—not true. Coal production is impacted by many factors, including low natural gas prices. The CEO of the coal company Murray Energy even said, ''I've asked President-elect Trump to temper his comments about . . . bringing coal back. It will not happen.''

In comparison, this rule could actually create jobs. Many of the jobs created by the rule will be construction-type jobs easily conducted by former coal miners.

Another myth is that the rule is a huge economic burden on industry—not true. The economic impacts of implementing this rule are small relative to the size of the coal industry. Industry compliance costs are estimated to average only 0.3 percent or less of the coal industry's $31.2 billion 2015 estimated annual revenues. Conversely, the costs of repealing the rule are borne by Appalachian families and small businesses. Families in these communities will be the ones to endure significant health impacts. Businesses like restaurants, farms, and the outdoor recreation industry rely on clean water and are jeopardized by coal contamination in their community's streams.

I urge my colleagues to vote no on this effort to kill the important protections provided by the stream protection rule. We must reject efforts to put the interests of the Big Coal industry above the health and well-being of the American people.

Mr. VAN HOLLEN. Mr. President, with the resolution on the floor today, our Republican colleagues are beginning their effort to roll back critical

health, safety, and environmental safeguards that the Obama administration put in place.

The tool that they are using, the Congressional Review Act, is a particularly blunt instrument. The Congressional Review Act allows the majority to rush a resolution of disapproval through the Senate with limited debate and only a limited opportunity for Americans to see what Congress is doing.

But a resolution of disapproval under the Congressional Review Act does not just send a rule back to the drawing board. Instead, the resolution repeals the rule and prohibits the Agency from ever proposing anything like it again. An analysis in the Washington Law Review reported that it is ''conceivable that any subsequent attempt to regulate in any way whatsoever in the same broad topical area would be barred.''

The rule before us today, the stream protection rule, deals with how waste from surface mining, also called ''mountaintop mining,'' is handled. The rule prevents this waste from being dumped near streams. The waste from these mining operations includes toxic pollutants like lead and arsenic. And these pollutants can cause serious health problems in surrounding communities. A 2008 study in the Journal of the North American Benthological Society found that 98 percent of streams downstream from mountaintop mining operations were damaged. This rule limits pollution near streams, requires monitoring of water quality, and creates standards to restore streams after a mining operation ends.

The Reagan administration first put forward stream protections in 1983, exercising authority under the Surface Mining Control and Reclamation Act of 1977. Today more than 30 years later, we better understand the effects of surface mining, and it makes sense to update our standards to protect public health. The Bush administration revisited the issue in 2008, but a Federal court vacated the Bush administration rule because they failed to fully consider effects on wildlife.

Under the Obama administration, in 2009, the Office of Surface Mining Reclamation and Enforcement, or OSMRE, began considering options to bring these stream protections up to date with the current scientific understanding. In the course of developing the updated rule, OSMRE shared information and solicited comment from State regulatory authorities and incorporated their feedback. The Office of Management and Budget's Office of Information and Regulatory Affairs continued the stakeholder engagement process. The Obama administration considered the issue deliberately, for 7 years, before publishing the final rule in December.

OSMRE acted appropriately with the Stream Protection Rule. But the question before us today is not whether the rule is perfect. Today we are considering whether the Agency should be permitted to update the old 1983 rule at all. I believe that it was right for the government to update this outdated regulation and use the best available science to protect drinking water and safeguard public health. Therefore, I urge my colleagues to join me to vote against this resolution to disapprove the rule.

Ms. HIRONO. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold her suggestion?

Ms. HIRONO. Yes, I will.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mrs. FISCHER. Mr. President, I rise to address the nomination of Judge Neil Gorsuch to serve on the Supreme Court of the United States.

I will address Mr. Gorsuch's qualifications and his extensive legal experience in a moment, but first, I invite my Senate colleagues to consider: What do we seek in a nominee to our Nation's highest court?

Maybe it is easier to say what we don't want. We do not want a lawmaker. Washington has plenty of those, 100 Senators and 435 Members of Congress. We do not want a crusader for a cause. Most of all, we do not want a trailblazer.

What we want is a follower of the Constitution. We want a Supreme Court Justice who will follow the laws, as written, and uphold the rule of law. This demands discipline; it requires the rarest of virtues: humility. There is no room for hubris on the Supreme Court.

We do not want a Justice who believes he knows better than our Founders. That is not his job. A Supreme Court Justice should neutrally apply the laws as written by Congress and as understood by the Framers of our Constitution. They must not impose their personal preferences upon the law or upon the American people. I want to say again that we want someone who will follow the law and uphold the rule of law.

We also seek a keen legal mind. A nominee must possess the sharpest intellect and only the most rigorous academic qualifications. This person may be one of nine human beings who will resolve questions affecting the freedoms and the rights of millions. Therefore, in addition to ironclad commitment to the rule of law and brilliant intellect, this person must be a known quantity. There must be a reliable record for us to carefully assess.

In exercising our constitutional power of advice and consent, we don't make guesses here in the U.S. Senate. We hold hearings; we ask probing questions. This is how we will determine if Mr. Gorsuch is the legal disciple, brilliant mind, and known quantity the American people need and the person the American people deserve. The evidence so far suggests that he is.

As a judge on the U.S. Court of Appeals for the Tenth Circuit, Mr. Gorsuch has served 10 years in extraordinary fashion. He was confirmed by a voice vote here in the U.S. Senate. His opinions reflect a history of upholding the rule of law. His conduct on the bench demonstrates an exemplary judicial temperament. He is enormously well qualified. His educational background is impressive: an undergraduate degree from Columbia, a law degree from Harvard, and a Ph.D. from Oxford University. Judge Gorsuch clerked for the Supreme Court. Further, he is well within the mainstream.

Among his many impressive academic distinctions, he is a Truman Scholar. This sizeable financial award is given by the Harry S. Truman Scholarship Foundation to young people pursuing a career in public service. I note that my colleague from Delaware, Senator COONS, is a Truman Scholar. Former Secretary of State Madeleine Albright serves as president of the Truman Foundation. Senator MCCASKILL of Missouri is a board member. All are highly respected Democrats. It should be telling that the organization, now headed by Secretary Albright and Senator MCCASKILL, helped Mr. Gorsuch fund his graduate studies.

Jeffrey Rosen of the nonpartisan National Constitution Center had this to say about the judge: ''He sometimes reaches results that favor liberals when he thinks the history or the text of the Constitution or the law require it, especially in areas like criminal law or the rights of religious minorities.''

Norm Eisen, Special Counsel for Ethics and Government Reform in the White House for President Barack Obama, attended law school with Mr. Gorsuch. He called him, simply, ''a great guy.''

There is much more that can and will be said about the nominee in the days to come. Much of it will contribute to a vigorous confirmation process. Sadly, I suspect much of it will not. Many, including some in this Chamber, have said they will oppose any nominee, no matter how qualified.

Americans deserve better than this bitter feud in the U.S. Senate. The Presidential campaign is over. As the Washington Post recently editorialized, ''A Supreme Court nomination isn't a forum to refight a presidential election.'' The newspaper's editors urged against ''a scorched-earth'' response.

Senate Republicans gave President Bill Clinton an up-or-down vote on his first two Supreme Court nominees. Senate Republicans gave President Obama an up-or-down vote on his two first Supreme Court nominees. This is a chance for my colleagues in the U.S. Senate to show how high-minded they can be. They can permit a similar up-or-down vote on this President's first Supreme Court nominee.

I invite them to engage with me in a respectful, civil dialogue as we carry out our duty of advice and consent. We need a vigorous confirmation process, and I will work for that vigorous, open, respectful, and transparent process. I

hope all of my colleagues on both sides of the aisle will join me in that.

Mr. President, I yield back the remaining proponent debate time.

The PRESIDING OFFICER. The proponent's time is yielded back.

The Senator from Delaware.

NOMINATION NEIL GORSUCH

Mr. CARPER. Mr. President, I would just remind my colleagues that a lot of folks in my State and people I talk to around the country believe it is outrageous that the last President nominated a candidate for the Supreme Court for almost a year—a full 10 months—before stepping down before his term ended, and that nominee never got a hearing.

We had a National Prayer Breakfast this morning, as our Presiding Officer knows. One of the occurring themes of the speakers at the Prayer Breakfast was the Golden Rule, the obligation to treat other people the way we want to be treated. I think that should apply to this nominee from this President. I also believe it should have applied to the last nominee from the last President. I think the way Merrick Garland was treated was outrageous, and he was roundly praised by Democrats and Republican, Members of this body, alike. The fact that he never got a vote I think is appalling. It runs against everything I was taught to believe.

Perhaps the Presiding Officer's parents raised him the same way. My parents raised us to believe that two wrongs don't make a right. Two wrongs don't make a right. Folks on our side believe—although deeply troubled by the way the last nominee for the last administration was treated—this nominee deserves a hearing. My hope is that he gets one and there is time set aside to prepare for that hearing. My hope is that he will take the time to come and meet with us, particularly those of us who have concerns about his nomination.

I think he should be subject to the same 60-vote margin the last several Supreme Court nominees were subjected to and passed; I think in one case it was 62 votes, and in another case, 63 votes.

I just want to let my friends on the other side—and they are my friends—know that we and, frankly, a lot of people in this country are still troubled, looking back. We are going to look forward with the Golden Rule in mind. My hope is that our colleagues will do the same in the future.

Mr. President, I rise on a subject that some of my colleagues have talked about here today. It is one that we have been discussing for almost the last 24 hours. It is a Congressional Review Act resolution to disapprove the stream protection rule.

People may wonder, What does this mean? There once was a Senator from Nevada named Harry Reid. He once wrote a law that said: If Congress doesn't like a particular rule that has been approved and has gone through the process—drafting, all the approval processes—published in the Federal Register, and something like 60 days on the legislative calendar have run, then that rule is official; it is in full effect. However, if a Member of this body or the House wants to use the Congressional Review Act authored by Senator Harry Reid, they can repeal a rule for which the 60-day legislative clock has not run since that rule or regulation was published in the Federal Register.

In this case, 60 legislative days have not passed since the stream protection rule was promulgated, printed in the Federal Register, and one or more of our colleagues has said: Let's use the CRA—Congressional Review Act—to see if we can block or repeal it.

I spoke on this yesterday, and I am happy to have a chance to talk a little bit about it again today.

A prevailing argument in favor of this resolution to kill the rule is the significant negative economic implications of managing mining operations and site reclamation in such a way that life and economy continue along with and after extraction ends.

Let's take a few minutes to reflect on the other side of the coin. I can assure you that hunters, fishermen, birdwatchers, and recreation enthusiasts of all ages, sorts, and varieties in my home State of Delaware—and I am sure in every State in our Nation—value an environment that supports the places they treasure and the species they seek. That is not the legacy of mining.

Because of historically weak reclamation and restoration requirements, Appalachia now has more than a million acres of economically unproductive grasslands that cannot support farming, ranching, or the hardwood forest products sectors. That is one of the reasons for and one of the many strengths of this rule: to focus on postmining economic uses of land, which could include ranching, forestry, tourism, birdwatching, hunting, fishing, and the list goes on.

In America today, there are 47 million men, women, and children who hunt and fish. We all represent them. According to a 2014 report from the National Wildlife Federation, these activities deliver an astonishing $200 billion to the country's economy, and they support one and a half million jobs.

I wish to also point out that mining impacts on headwaters are particularly important, as they represent the very foundation of our water system that supports all these activities and generates all of these benefits. Just to illustrate this point, Appalachia—a region in which I grew up—is the world's leading hotspot of aquatic biodiversity. I was born in Beckley, WV, and we lived there for 6 years or so after I was born and I came back a whole lot over the years to hunt and fish with my grandfather, but I had no idea there was this kind of biodiversity in that region.

There are more species of freshwater fish in one river system in Tennessee than in all of Europe. Think about that—more species of freshwater fish in one river system in Tennessee than all of Europe. Yet surface coal mining has destroyed more than 2,000 miles of streams in this region alone. Cutting the heart out of our ecosystems is no way to do business.

The question is, Would mining companies respect and consider these values and benefits as part of their operations and reclamation efforts without surface mining and clean water laws and the effective protections provided by the stream protection rule? I would say probably not. It is no surprise, then, that conservation and fishermen's organizations, such as Trout Unlimited, the American Fly Fishing Trade Association, the Izaak Walton League of America, and Theodore Roosevelt Conservation Partnership, so strongly support this rule and robust implementation of the Clean Water Act. In fact, 82 percent—over 8 out of 10—of America's hunters and anglers feel that we can protect water quality and also have a strong economy and good jobs at the same time. It is a false choice to say we can't have both at the same time.

The stream protection rule would protect and restore an estimated 6,000 miles of streams and 52,000 acres of forest over two decades—areas important for hunting, fishing, and outdoor recreation.

All these activities would provide local citizens and communities with economic opportunity to replace or build upon what often are one-industry regions. They, in turn, support local economies and create accessible work opportunities for residents, many of whom would otherwise struggle to make ends meet, care for their health, and support their families. In the end, this is a much more valuable and sustainable future for everybody concerned.

These truths hold in their unique ways in mining States across our country, whether they involve ensuring salmon runs in Alaska or ranching in Wyoming.

I will close by repeating a point I made previously in support of this stream protection rule. This past year, the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service completed consultation under the Endangered Species Act, resulting in what is known as the 2016 Biological Opinion. This new Biological Opinion smooths the way for more efficient Endangered Species Act compliance and provides some important protections to industry and State regulators regarding possible impacts of mining operations on protected species.

I think it is important to note that if we kill this rule—and I hope we will not—that protection for industry and State regulators will go away, and those players will have to resort to a more cumbersome case-by-case review under the Endangered Species Act for all activities that might affect protected species. That would be a shame.

That would be a shame, especially for a struggling industry.

For this and for so many other reasons, this is a job-creating, economy-expanding rule. Why wouldn't we support it? Once again, I urge a ''no'' vote on this resolution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, yesterday I had the chance to come to the floor and talk about the changes I have seen in the streams and rivers in my home State of Oregon as we worked to clean them up, restore them for wildlife, restore them for swimming, restore them for boating, and restore them for drinking water, and how terrific it was to see this occur.

We are now considering a parallel provision—a provision designed really to protect the streams near intense mining zones. I had a chance yesterday to go through the details of the regulation and how it made, for example, the coal slurry ponds more secure so they wouldn't rupture. As I pointed out, one ruptured and killed over 100 people and injured more than 1,000 people, not to mention the damage it did to the ecosystem for an extended length downstream. I talked about the toxic chemicals that are leaching out of improperly developed piles, as they are called. Today I want to share a few more of the stories of folks who live in the area and how important it is for them.

Sam Needham, who lives near Appalachia, VA, talks about the changes he has seen in rivers near his home since he moved there in 1978. Sam said that when they first moved there, ''Callahan Creek that runs near our house . . . was full of different kinds of fish. Now I don't see any fish in the water. I wish it could be like it was in the 70's and 80's, but with all the runoff from sediment ponds and mines, I don't think it will ever be like that again.'' Sam supports the stream protection rule. He said: ''I would like to see regulations to protect our waters and maybe one day be able to fish in Callahan Creek again.'' He is not asking for a tremendous amount.

Chad Cordell of Charleston, WV, said that he has ''been concerned about the impacts of mountaintop removal since learning the beautiful valleys and streams of my home state were being buried under hundreds of feet of rubble.'' He said he wants ''strong, science-based protections for the creeks, streams, and rivers that are the lifeblood of our state,'' and he noted that ''attacking the Stream Protection Rule isn't the way to build strong, healthy, resilient communities or a strong, stable economy.''

John Kinney of Birmingham, AL, said:

> I have lived most of my life in Jefferson County, Alabama, enjoying the outdoors, particularly canoeing and fishing on the Black Warrior and Cahaba River.
>
> While it seems that many folks in regulatory agencies don't consider Alabama to be part of Appalachia, and don't understand the extent of coal mining in our state, I have seen the devastating impact of coal mining in our state . . . first hand.

He goes on:

> I have seen lakes turned gray downstream of mines. I have seen streams turned bright orange downstream of coal preparation plants. I have seen sloughs that once formed deep channels (perfect spots for largemouth bass) filled in with sediment.

John wants to see Federal protections ''that help protect water quality for all uses downstream of coal mines and associated industries'' and wants to see the stream protection rule stay where it is.

Here is a final story. It is from Chuck Nelson, a fourth-generation coal miner from West Virginia who dug coal underground for 30 years. He became an advocate for environmental rules like the stream protection rule after a coal processing plant was built near his home. Thick, black coal dust was always coating his home inside and out. His wife developed very bad asthma problems, and his kids couldn't use the swimming pool because of a thick black skin always on the top of the water. He decided to make his voice heard, and he came to DC from West Virginia 25 times to talk to lawmakers and regulators. He was a regular citizen. He saw a problem impacting his wife, and he wanted us to work to fix it. He finally succeeded when the stream protection rule was finalized in December.

It amounts to this: The way that one conducts mountaintop coal mining has a huge impact, just as it does with other industries. Having basic rules about how that work is done ensures sustainability of the nearby streams. This was done with a tremendous amount of involvement of stakeholders, tremendous number of meetings, 6 years of coordination, trying to find a way that doesn't paralyze coal mining but does protect the streams. That is the balance which was being searched for, discovered, and implemented with this rule, and we should leave it in place. We shouldn't destroy these years of work to protect our beautiful streams with just a few hours of debate, with no public notice or awareness of what is going on. If we want to review this thoughtfully and seriously, let's have it done in committee, where the public can participate and Senators can take a deliberate stand and not destroy this work to protect these thousands of miles of streams in a blink of an eye.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there is a provision in the law which allows the Congress to review regulations within 60 days after they are written and decide up or down. That is what we are doing here.

This is about the stream rule that has a direct impact on mining operations, particularly coal mining operations. This has been a battle that has been going on for decades—decades—trying to establish a fair environmental standard for those in mining operations. Efforts have been made, some with limited success. Courts have thrown out earlier versions. So the Obama administration decided they would tackle this. They spent 6 years rewriting 380 pages of rules. Over 150,000 public comments were solicited and received.

This is a pretty controversial matter, as you can tell. I have been amused by the critics of this rule who said: Well, Obama just did that as he was going out the door. No. They worked on it for years. There were, as I said, over 100,000 public comments. It is not easy. It is tricky and it is challenging, but they produced it. Now today the Republicans in the Senate and the House want us to wipe it away.

What difference would it make? If you don't live next to a coal mine, do you think, well, what difference does it make in my life?

I listened to JEFF MERKLEY, my friend from Oregon, talk about the streams and the rivers. Maybe I don't fish, and I don't care. I don't go out camping, either, and I haven't been hiking. Whether the fish are alive or dead or the streams are polluted or not, who cares? I guess some people feel that way. I don't, even though I don't use our natural resources as much as some. But there is a bigger issue here. This is not just about whether there will be fish alive in the stream or the lake.

Let me tell you what that issue is. The issue is the safety of our drinking water. Do you know what is going on when these mining operations dump all this debris into the streams? It rains. Water is flowing. The stream water goes downstream. Now follow the water from the dumping of the mining operations to the chemicals included in that dumping—arsenic, for example. As it goes downstream, it doesn't just kill the fish. In my State, 1 out of 10 people in Illinois depend on those internal river and stream sources for their drinking water. If you don't have honest, realistic, and safe standards when it comes to drinking water, you have decided to up the risk of the people who are drinking the water that comes out of the tap.

I think that is a problem. Have you had a conversation with your family at any point about what is going on? Why do we have so much cancer in this area? Why do we have so many problems in this area? Could it be the drinking water? We have asked that question ourselves in our own area of Central Illinois, and many other families have asked the same.

If we take the approach which we are being asked to today and wipe away the safety standards for the water that is ultimately flowing into the taps where we drink it, shame on us. Shame on us. Is it too much to ask the mining operations not to dump their trash into the streams? Is it too much to ask

them to restore vegetation after they have chopped off the top of a mountain in West Virginia? In Illinois, I can tell you the strip mining, which went on for years and decades left a lot of areas of beautiful farmland in Illinois forever blighted.

Whatever happened to the coal companies that stripped off that land, took the coal, and left the mess behind? Long gone. You couldn't find them if you wanted to.

What Senator CANTWELL has said, and we ought to remember, we believe polluters should pay. We believe that the ultimate responsibility, when it comes to keeping our environment clean, our drinking water safe, is on the polluter. The Republicans disagree.

They say: Well, it is just Obama's War on Coal.

All right. If you want to bring it down to that level, then it is Trump's War on Clean Drinking Water. That is what this vote is all about. That is what it is all about. Shame on us if we decide to eliminate this protection for families and run the very real risk that the pollution in those streams could cause public health issues, as well as the death of wildlife and fish downstream. That is why I think this vote is so important.

This is a first. You heard what Republicans have said is the reason American business is not growing—overregulation. You get this picture of some mettlesome, busybody bureaucrat dreaming up some other way to make life more difficult for people who own businesses. I will tell you there is some of that, and I am not going to defend it, but there is also a conscientious effort by people who are scientists to try to make sure that those of us who are not scientists live in a world that is safe, safe for the air we breathe, safe for the water we drink. If we start sweeping that away, rejecting the science that proves overwhelmingly that we are going through global warming and climate change, rejecting the science that says the runoff in these streams and rivers could ultimately hurt not only wildlife but ultimately hurt the American people and the water they drink, shame on us.

Well, we will get rid of regulations, coal mining operations will make more money, and maybe they will continue on—I am sure they will in some respect—but will we be better off as a nation?

This is day 14 of the Trump Presidency. It seems like a lot longer to some of us. Republicans in the Senate and the House have decided to strike a blow for eliminating science-based regulation to protect the public health. It is a shame, but it is going to happen. They have the votes on the Senate floor. They are in control and now the American families are going to ask us: Were you there? Were you standing up for us when the safety of our drinking water was at stake?

I will be voting no on this effort to repeal this legislation.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague from Illinois for being on the floor to speak. He is right. We are going to keep score. There are going to be attempts by the Trump administration and the other side of the aisle to level the score against clean water; that is to say, polluters don't have to pay. So if we pass this override of existing clean water rules—yes, this will be the start. Trump 1, clean water 0.

Unfortunately, it is probably not going to the end because what is happening now is, Republicans control everything in Congress. They want to use their ability to have very little debate and to then override rules that are on the books to protect streams in the United States of America.

I so appreciate my colleagues coming to the floor to explain this issue, as this is critical. It is critical because the impacts of mining destroy headwaters. Between 1992 and 2000, coal mines were authorized to destroy about 1,200 miles of headwater streams, and this resulted in the loss of 4 percent of our upper headwater streams in areas of Appalachia in a single decade.

The surface mining impact on water from fractured rocks above coal seams react chemically with the air and water and produce higher concentrations of minerals, irons and trace metals, and those headwaters in West Virginia typically measure with electricity conductivity on an order of magnitude of those downstream. What that is saying is, these chemicals react in the water to create problems. Understanding what has been going on with that level of conductivity is one of the big advances in science in the last 10 years. That is why we want to update the rule because we now know what goes on when selenium is in the water. The conductivity is highly correlated with the loss and the absence of various species that are very pollution sensitive.

This level of stream degradation comes from the various fractured rock. When sulfate is present, you get acid mine drainage. That acid mine drainage then mobilizes metals toxic to fish—such as iron and aluminum and zinc—and that is where we start to have problems. A 2008 study found that 93 percent of streams downstream of surface mining operations in Appalachia were impaired, and our colleagues don't want to make sure that the mining companies monitor that and do stream restoration?

Another study found that adverse impacts of Appalachian mines extended on an average of 6 miles downstream; that is, this acid mine drainage is flowing 6 miles downstream. Why not have the mines measure this at the top of the stream, understanding what the selenium impact is, and doing something to minimize the impact on our streams that we are going to have to live with forever.

What is wrong with selenium? It causes very serious reproductive problems, physical deformities, and at high concentration it is toxic to humans. Basically, it is the similar effect to arsenic poisoning.

These coal mines are transforming our landscape, lowering our ridges, and raising our valley floors. One study in 2013, in Central Appalachia, found that mining lowered these ridgetops by an average of 112 feet. What we are trying to say is, you are impacting wildlife downstream; that the deforestation of these sites allows the flow of these rivers to increase flooding. The effects are worsened because the compacted soil on these sites also causes a problem. It is not much better than just plain old asphalt; that is, it means that plants and forests cannot grow back, it means that it impairs these various species, and it causes problems.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Pittsburgh Post-Gazette.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette, Jan. 31, 2017]

A PLUME OF POLLUTION DISCOLORS PART OF MONONGAHELA RIVER

(By Don Hopey)

An iron-orange acid water discharge from a long-abandoned coal mine discolored the Monongahela River for a four-mile stretch along the Allegheny County-Washington County border over the weekend, raising public concern but causing no problems for public water suppliers downriver.

The discharge from the Boston Gas Mine, its volume boosted by recent rains, enters the river in the small Sunfish Run tributary at Sunnyside, in Forward, 34 river miles from Pittsburgh's Point. Beginning Saturday evening and continuing through Sunday, it was visible flowing downriver in a 75-foot wide plume that hugged the east bank until blending into the river near New Eagle.

''It was orange, and it had to be an enormous amount of water to color the Mon,'' said Janet Roslund, a resident of Monongahela, where she viewed the plume. ''Something about that is just not right.''

Neil Shader, a spokesman for the Pennsylvania Department of Environmental Protection, said the plume likely contained iron, aluminum and manganese, and the department is continuing to take water samples. ''At this time there is no concern for drinking water, and water systems have systems in place to remove the contaminants,'' he said.

The Ohio River Valley Water Sanitation commission notified all downriver water suppliers on the Allegheny and Ohio rivers, but the closest, Pennsylvania American Water, with intakes 10 miles down the Mon in Elrama and 18 miles downriver at Becks Run, reported no water quality problems.

''We've been monitoring the intakes for the past 40 hours and have found no impacts to the water supply,'' Gary Lobaugh, a water company spokesman said Monday. ''We've increased our sampling of source water to every hour but seen nothing impacting our water quality.''

According to Joe Donovan, a geologist at West Virginia University who studies abandoned mine discharges in the Mon Valley, the abandoned Boston Gas mine is a large

mining complex that has approximately eight outcrop discharges along the river between Donora and Monongahela. The one on Sunfish Run that created the orange plume in the river is the largest, he said.

''Nothing new here,'' he said. ''(The) flow may be up this time of year, especially right after a precip event.''

Ms. CANTWELL. The discharge from the long-abandoned Boston Gas Mine in Pennsylvania turned a 4-mile stretch of the Monongahela River orange. The Pennsylvania Department of Environmental Protection said the plume likely contained iron, aluminum, and manganese. A geologist at West Virginia University who studies abandoned mine discharges said the abandoned mine is a large mining complex that has approximately eight outcrop discharges and created this large plume.

Mr. President, I ask unanimous consent to have printed in the RECORD an AP story dated January 28, 2017.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Jan. 28, 2017]

UNDERGROUND FIRES, TOXINS IN UNFUNDED CLEANUP OF OLD MINES

(By Michael Virtanen)

PRESTON COUNTY, W.VA. (AP).—An underground coal mine fire burns beneath a sprawling hillside in West Virginia, the pale, acrid smoke rising from gashes in the scarred, muddy earth only a stone's throw from some houses.

The fire, which may have started with arson, lightning or a forest fire, smoldered for several years before bursting into flames last July in rural Preston County. The growing blaze moved the mine to the top of a list of thousands of problem decades-old coal sites in West Virginia awaiting cleanup and vying for limited federal funds.

State officials say $4.5 billion worth of work remains at more than 3,300 sites abandoned by coal companies before 1977, when Congress passed a law establishing a national fund for old cleanups. That program was part of an effort to heal the state from the ravages of an industry that once dominated its economy but has fallen on hard times.

''West Virginia is right at the top for needs,'' said Chuck Williams, head of Alabama's efforts and past president of the National Association of Abandoned Mine Lands Programs. He said Pennsylvania, Kentucky and West Virginia—all states with a mining history that extends back two centuries—account for the lion's share of unfinished work among the 28 states and Indian tribes in the program.

Despite being one of the most affected, federal officials have only one-third of West Virginia's proposed cleanup costs on their $7 billion national list of high-priority work. The sites include old mines that leak acidic water into streams and kill wildlife and dangerous holes that attract children. Tunnels and caverns beneath homes also need to be shored up and new water lines are needed where wells are polluted.

''Our program exists to abate health and safety hazards,'' said Rob Rice, chief of the West Virginia Office of Abandoned Mine Lands and Reclamation, which is handling the mine fire. ''We have so much need. It's frustrating for us.''

Environmental improvements are a secondary but major benefit, he said.

''This whole area has been extensively mined,'' said Jonathan Knight, riding recently through the exurbs east of Morgantown. A planner for the state office, he said housing developments have been built above old mines that many homeowners don't even know about.

The state will get $23.3 million from the federal reclamation fund this year, which is replenished by fees on mining companies. The mines pay 12 cents per ton of underground coal mined and 28 cents per ton from surface mining, but the funding has dropped the past three years with a downturn in coal production.

It will cost about $1 billion just to extinguish all of West Virginia's 43 fires in abandoned mines, according to the state office. They could have been caused by forest fires, arson, lightning strikes or even old underground explosions that never went completely out.

About $5 million will be spent to extinguish the Preston County fire, smoldering a stone's throw from houses in a mostly rural area near the hamlet of Newburg. In October, the office spent $209,400 to cut trees and plug holes feeding the fire with oxygen.

The state office, with about 50 staff, is paid from the federal Abandoned Mine Reclamation Fund along with the contractors it hires. Together they close mine portals, extinguish fires, support collapsing hillsides and sinking houses, and treat acidic water leaking out along with dissolved metals. The need for drainage work won't end for centuries. The grants also fund water lines to replace polluted wells.

''There's more water within mine pools in West Virginia than there is in the lakes of West Virginia,'' Rice said. ''More than 2,500 miles of streams are severely degraded because of mine drainage in West Virginia.''

The state program has brought several back to life with new treatment systems.

The federal program is scheduled by law to expire in 2021, leaving behind about $2.5 billion in a trust fund expected to pay for any ongoing work needed by 25 states and three Indian tribes to address problems from pre-1977 abandoned coal mines. West Virginia has set aside about $55 million of its grant money received already for continuing water treatment funded by the interest.

The federal program has collected more than $10.5 billion in fees from coal production and distributed more than $8 billion in grants to states and tribes, according to the federal Office of Surface Mining Reclamation and Enforcement. It will provide nearly $181 million in fiscal 2017.

''We continue to discover threats from left-behind mine pits, dangerous highwalls, acid mine drainage that pollutes our water supplies, and hazardous mine openings,'' federal director Joe Pizarchik said earlier this year. An Obama administration appointee, he resigned effective last week.

Pollution and lurking underground dangers from mining since 1977 fall into a different category because the federal government made them the responsibility of the companies. They were required to post bonds before opening mines, with the state taking over if they default.

Ms. CANTWELL. The article talked about Preston, WV, and a fire in an abandoned coal mine that smoldered for several years. This mine is one of ''thousands of problem decades-old coal sites in West Virginia awaiting cleanup.''

These abandoned sites include old mines that leak acidic water into streams and killing wildlife. Tunnels and caverns beneath homes threaten water sources where wells are polluted.

All of these are examples of the kind of damage that is being done by these mines.

Mr. President, I ask unanimous consent to have printed in the RECORD another article from the Columbus Dispatch.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbus Dispatch, July 20, 2014]

IN WEST VIRGINIA, MOUNTAINTOP MINING IS CAUSING FISH SPECIES TO DISAPPEAR

WASHINGTON.—In West Virginia's Appalachian Mountains, fish are vanishing. The number of species has fallen, the populations of those that remain are down, and some fish look a little skinny.

A new government study traces the decline in abundance to mountaintop removal, the controversial coal-mining practice of clear-cutting trees from mountains before blowing off their tops with explosives.

When the resulting rain of shattered rock hits the rivers and streams that snake along the base of the mountains, minerals released from within the stone change the water's chemistry, the study said, lowering its quality and causing tiny prey such as insects, worms and invertebrates to die.

''We're seeing significant reductions in the number of fish species and total abundance of fish downstream from mining operations,'' said Nathaniel Hitt, a research fish biologist for the U.S. Geological Survey's office in Kearneysville, W.Va., and one of the study's two authors.

Hitt and his co-author, Doug Chambers, a biologist and water-quality specialist in the Charleston, W.Va., office of the USGS, took a 1999 study of the Guyandotte River basin's fish populations by Penn State researchers to compare them over time.

For two years starting in 2010, they sampled the populations in waters downstream from an active mountaintop coal-mining operation. In one of the sample areas, the Mud River watershed, which contains the largest tributary of the Guyandotte River, at least ''100 point-source pollution-discharge permits associated with surface mining have been issued,'' the study said.

North America's central Appalachian Mountains, where the basin lies, are considered a global hot spot of freshwater-fish biodiversity, but few researchers have investigated the impact of mountain strip mining on stream fish, and the effects ''are poorly understood,'' the study said.

Hitt and Chambers found that the number of species was cut in half and the abundance of fish fell by a third. The silverjaw minnow, rosyface shiner, silver shiner, bluntnose minnow, spotted bass and largemouth bass, plus at least two other species detected before their study, were no longer there.

Another fish species—the small and worm-like least brook lamprey, never before detected—had moved in.

In areas of the river basin where there was no mountaintop mining, fish flourished. In addition to species that had been in those waters previously, seven new ones were found, including the spotfin shiner, the spottail shiner and the golden redhorse.

''I think if we only focus on the fact that it's fish . . . some people will say, 'So what?'??'' Chambers said. But fish and the invertebrates they eat are canaries in a coal mine for researchers, ''indicators of the water quality,'' he said.

The USGS looks ''at the nation's water resources . . . their significance to the nation, and tries to understand processes that are degrading water quality. Tainted water may not be suitable for additional uses.''

Research such as the USGS' study of mountaintop mining, published online this month by the Society for Freshwater

Science, is viewed with suspicion in coal country, where mining operations provide thousands of jobs.

''The people opposed to the coal industry are trying to pile on with more studies,'' said Bill Raney, president of the West Virginia Coal Association. ''It sounds like this is one of those studies that sets out to show there's harm done. It sounds like perhaps more of the same.''

Raney said he has not seen the USGS study and cannot strongly criticize its methods or conclusions, but people ''don't just wake up in the morning and decide they are going to do mountaintop mining,'' he said. ''It takes three to four years to get a permit. Every aspect of the operation is analyzed.''

Mountaintop removal as a way of extracting coal has been in practice since the 1960s, but its use has expanded in the past two decades, and it now takes place in the Appalachian regions of Ohio, Kentucky and Virginia in addition to West Virginia.

The coal that the process produces provides power to hundreds of thousands of homes, industry advocates say, and creates about 14,000 jobs that pay middle-income salaries in regions where work is hard to find.

''The average mining wage is more than $66,000 per year . . . 57 percent higher than the average for industrial jobs,'' according to the National Mining Association. ''Mountaintop mining accounts for approximately 45 percent of the entire state's coal production in West Virginia.''

Raney's association disputes allegations that mining destroys streams and mountains, saying that state permits and government regulations require the land to be restored after use.

But the Sierra Club Eastern Missouri Group called the practice ''quite possibly the worst environmental assault yet'' because of the amount of landscape it removes and the effects on people and animals.

Homeowners in one West Virginia community, Lindytown, were bought out by a company before the town essentially disappeared after mountaintop removal. Homes and a grave site were left behind. Cascading debris has buried streams, affecting a diversity of wildlife, a major concern raised by the U.S. Environmental Protection Agency.

Often, companies are granted exemptions that ease requirements to restore land. Conservationists call the practice a plunder, and protesters, including Quakers in Appalachia and demonstrators at the White House, have called on the government to end it and banks to stop funding it.

''Mountaintop-removal mining is one of the fastest-changing land-use forms in the region,'' Hitt said. ''One of the main questions for our research lab is how biological communities respond to land-use changes.''

In the case of the fish, they seemingly do not respond well, Chambers said. ''To sum up, 10 fish species were apparently extirpated from the mined sites,'' meaning they were wiped out, he said.

Fish with a more diverse diet appeared to fare well, but those that relied primarily on invertebrates, such as small aquatic insects, tended to fare poorly.

''It's telling us that the water quality is changing,'' Chambers said. Water in that area is not used for drinking, he said, but ''if you look at it from a regulatory perspective, you have to determine if the water is fishable, swimmable, drinkable—all of these are benchmarks.''

Ms. CANTWELL. The article states: ''The report found that the number of species was cut in half and the abundance of fish fell by a third, downstream from these mining operations.''

I wish to talk about a mine now owned by Murray Energy that in 2009 spewed pollution in Pennsylvania, killing 43,000 fish and 15,000 mussels. Seven years later, the fish and mussels are still missing and not returning. They have paid a fine, but we are still living with the damage.

As my colleagues can see, this issue is about overriding a rule that helps protect our streams and rivers and makes sure that the wildlife there has safe drinking water and to make sure that we enjoy these natural areas. As I have pointed out through this debate, there are many jobs in the outdoor industry, and that is why sportsmen such as Trout Unlimited and the wildlife federations that are coalitions of hunters and fishermen all support this rule and don't want it overturned.

I know that the coal industry has spent $160 million over the last dozen-plus years trying to defeat regulation of its industry. Actually, the 0.1 percent they would have to pay was a lot lower than what they were spending on their lobbying issues. Instead, they should help us all get to the bottom.

But why have we done this by trying to fight today? That is because the science has told us that since 1983, we have a lot more information about the toxic level in the streams because of these products. We simply want a rule that reflects that the mining industry must measure and mitigate that impact. What is wrong with allowing science to lead the way?

I know our colleagues like to say that States should be left to do this, but you do have to have a Federal standard. You do have to have a Federal standard that they adhered to. It would be as if today I said: Let's override what we have done in this Nation in setting a miles per gallon for automobiles and just leave it up to the States instead.

Well, we are saying we should have fuel efficiency but let's just leave it up to the States about how many miles per gallon we really should have in automobiles.

If we did that, how many regulations do you think we would have? Do you think we would have the same fuel efficiency we have today?

What is happening is these coal companies are going into States, going into their areas, and lobbying lawmakers there against regulation, and in a couple of cases I have discussed today they were successful in getting Kentucky to fall asleep at the switch so the citizens brought the lawsuits to clean up the mines. They were successful because they finally caught the attention of people who should have been doing their job.

This rule, as it has been put in place, does give States flexibility. Its key definition says States get discretion to establish an objective criteria for measuring standards and restoring the streams. It basically says the final rule has several options to demonstrate compliance on the area of fish-and-wildlife. States can use their judgment about the types, scope, and location of enhancements. It says on groundwater, States can choose their sampling, protocol, subsequent analysis, and baseline. On rain measurements, States can choose whether to require mines to prepare a hydrologic model about the mine, and States can choose to allow mining companies to change their drainage patterns as they look at rebuilding ephemeral streams.

There is a lot of flexibility for the States. A lot of them haven't been doing as good a job as we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let's sit down and do that legislatively. Let's not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate committee of jurisdiction over the Surface Mining Control and Reclamation Act, SMCRA.

I am strongly opposed to disapproving the Office of Surface Mining Reclamation and Enforcement's stream protection rule because I both support the substance of the rule and I believe the Congressional Review Act is an inappropriate and extreme legislative tool.

While my opposition to H.J. Res. 38 and its Senate companion, S.J. Res. 10, is clear, in the event that either resolution is enacted, I would look forward to a timely reissuance of a new rule. Notwithstanding the delay resulting from enactment of either disapproval resolution, the authority SMCRA grants to OSMRE through the Secretary of the Interior will persist—so will the clear obligations in the statute.

The provision in the Congressional Review Act that prohibits reissuance of a future rule ''in substantially the same form'' as the rule being disapproved, unless specifically authorized by another future law, does not diminish my confidence. Under the ample authority granted to the Secretary of the Interior under SMCRA, a large variety of forms of implementing its obligations under SMCRA remain available to the Agency.

The resolution represents a major setback for many communities affected by coal mining that had participated in an extensive 8-year rulemaking process. But it does not limit OSMRE's ability or obligation to implement SMCRA's statutory requirements fully, including but not limited to regulations that define material damage to the hydrologic balance outside the permit area; give effect to the SMCRA's prohibitions against material damage to the hydrologic balance outside the permit area; prohibit harmful mining activity within a certain perimeter, including the stream buffer zone as under the 1983 regulations; require permitting decisions to be based on full and complete information; ensure protections

for fish and wildlife; and guarantee that adequate financial assurances are put into place to provide for full and complete reclamation.

I expect any Secretary of the Interior to follow the law and fully implement the ongoing obligations under SMCRA.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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 Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—54

| | | |
|---|---|---|
| Alexander | Flake | Moran |
| Barrasso | Gardner | Murkowski |
| Blunt | Graham | Paul |
| Boozman | Grassley | Perdue |
| Burr | Hatch | Portman |
| Capito | Heitkamp | Risch |
| Cassidy | Heller | Roberts |
| Cochran | Hoeven | Rounds |
| Corker | Inhofe | Rubio |
| Cornyn | Isakson | Sasse |
| Cotton | Johnson | Scott |
| Crapo | Kennedy | Shelby |
| Cruz | Lankford | Sullivan |
| Daines | Lee | Thune |
| Donnelly | Manchin | Tillis |
| Enzi | McCain | Toomey |
| Ernst | McCaskill | Wicker |
| Fischer | McConnell | Young |

NAYS—45

| | | |
|---|---|---|
| Baldwin | Franken | Nelson |
| Bennet | Gillibrand | Peters |
| Blumenthal | Harris | Reed |
| Booker | Hassan | Sanders |
| Brown | Heinrich | Schatz |
| Cantwell | Hirono | Schumer |
| Cardin | Kaine | Shaheen |
| Carper | King | Stabenow |
| Casey | Klobuchar | Tester |
| Collins | Leahy | Udall |
| Coons | Markey | Van Hollen |
| Cortez Masto | Menendez | Warner |
| Duckworth | Merkley | Warren |
| Durbin | Murphy | Whitehouse |
| Feinstein | Murray | Wyden |

NOT VOTING—1

Sessions

The joint resolution (H.J. Res. 38) was passed.

The PRESIDING OFFICER. The majority leader.

## MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 14, JEFF SESSIONS to be Attorney General.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—53

| | | |
|---|---|---|
| Alexander | Fischer | Murkowski |
| Barrasso | Flake | Paul |
| Blunt | Gardner | Perdue |
| Boozman | Graham | Portman |
| Burr | Grassley | Risch |
| Capito | Hatch | Roberts |
| Cassidy | Heller | Rounds |
| Cochran | Hoeven | Rubio |
| Collins | Inhofe | Sasse |
| Corker | Isakson | Scott |
| Cornyn | Johnson | Shelby |
| Cotton | Kennedy | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | Manchin | Toomey |
| Donnelly | McCain | Wicker |
| Enzi | McConnell | Young |
| Ernst | Moran | |

NAYS—45

| | | |
|---|---|---|
| Baldwin | Harris | Nelson |
| Bennet | Hassan | Peters |
| Blumenthal | Heinrich | Reed |
| Booker | Heitkamp | Sanders |
| Brown | Hirono | Schatz |
| Cantwell | Kaine | Schumer |
| Cardin | King | Shaheen |
| Casey | Klobuchar | Stabenow |
| Coons | Leahy | Tester |
| Cortez Masto | Markey | Udall |
| Duckworth | McCaskill | Van Hollen |
| Durbin | Menendez | Warner |
| Feinstein | Merkley | Warren |
| Franken | Murphy | Whitehouse |
| Gillibrand | Murray | Wyden |

NOT VOTING—2

Carper Sessions

The motion was agreed to.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

Mitch McConnell, Johnny Isakson, Jeff Flake, Steve Daines, James Lankford, Dan Sullivan, Thom Tillis, Rob Portman, John Hoeven, Roger F. Wicker, John Thune, Deb Fischer, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts.

## MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—51

| | | |
|---|---|---|
| Alexander | Fischer | Murkowski |
| Barrasso | Flake | Paul |
| Blunt | Gardner | Perdue |
| Boozman | Grassley | Portman |
| Burr | Hatch | Risch |
| Capito | Heller | Roberts |
| Cassidy | Hoeven | Rounds |
| Cochran | Inhofe | Rubio |
| Collins | Isakson | Sasse |
| Corker | Johnson | Scott |
| Cornyn | Kennedy | Shelby |
| Cotton | King | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | McCain | Toomey |
| Enzi | McConnell | Wicker |
| Ernst | Moran | Young |

NAYS—47

| | | |
|---|---|---|
| Baldwin | Carper | Feinstein |
| Bennet | Casey | Franken |
| Blumenthal | Coons | Gillibrand |
| Booker | Cortez Masto | Harris |
| Brown | Donnelly | Hassan |
| Cantwell | Duckworth | Heinrich |
| Cardin | Durbin | Heitkamp |

| | | |
|---|---|---|
| Hirono | Murphy | Stabenow |
| Kaine | Murray | Tester |
| Klobuchar | Nelson | Udall |
| Leahy | Peters | Van Hollen |
| Manchin | Reed | Warner |
| Markey | Sanders | Warren |
| McCaskill | Schatz | Whitehouse |
| Menendez | Schumer | Wyden |
| Merkley | Shaheen | |

NOT VOTING—2

Graham Sessions

The motion was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader is recognized.

## MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 13, Thomas Price to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote:

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—51

| | | |
|---|---|---|
| Alexander | Fischer | Murkowski |
| Barrasso | Flake | Paul |
| Blunt | Gardner | Perdue |
| Boozman | Graham | Portman |
| Burr | Grassley | Risch |
| Capito | Hatch | Roberts |
| Cassidy | Heller | Rounds |
| Cochran | Hoeven | Rubio |
| Collins | Inhofe | Sasse |
| Corker | Isakson | Scott |
| Cornyn | Johnson | Shelby |
| Cotton | Kennedy | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | McCain | Toomey |
| Enzi | McConnell | Wicker |
| Ernst | Moran | Young |

NAYS—48

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Harris | Nelson |
| Blumenthal | Hassan | Peters |
| Booker | Heinrich | Reed |
| Brown | Heitkamp | Sanders |
| Cantwell | Hirono | Schatz |
| Cardin | Kaine | Schumer |
| Carper | King | Shaheen |
| Casey | Klobuchar | Stabenow |
| Coons | Leahy | Tester |
| Cortez Masto | Manchin | Udall |
| Donnelly | Markey | Van Hollen |
| Duckworth | McCaskill | Warner |
| Durbin | Menendez | Warren |
| Feinstein | Merkley | Whitehouse |
| Franken | Murphy | Wyden |

NOT VOTING—1

Sessions

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Jerry Moran, Pat Roberts, Roy Blunt, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

## MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

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 Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Flake | Paul |
| Barrasso | Gardner | Perdue |
| Blunt | Graham | Portman |
| Boozman | Grassley | Risch |
| Burr | Hatch | Roberts |
| Capito | Heller | Rounds |
| Cassidy | Hoeven | Rubio |
| Cochran | Inhofe | Sasse |
| Collins | Isakson | Scott |
| Corker | Johnson | Shelby |
| Cornyn | Kennedy | Sullivan |
| Cotton | King | Thune |
| Crapo | Lankford | Tillis |
| Cruz | Lee | Toomey |
| Daines | McCain | Wicker |
| Enzi | McConnell | Young |
| Ernst | Moran | |
| Fischer | Murkowski | |

NAYS—47

| | | |
|---|---|---|
| Baldwin | Gillibrand | Nelson |
| Bennet | Harris | Peters |
| Blumenthal | Hassan | Reed |
| Booker | Heinrich | Sanders |
| Brown | Heitkamp | Schatz |
| Cantwell | Hirono | Schumer |
| Cardin | Kaine | Shaheen |
| Carper | Klobuchar | Stabenow |
| Casey | Leahy | Tester |
| Coons | Manchin | Udall |
| Cortez Masto | Markey | Van Hollen |
| Donnelly | McCaskill | Warner |
| Duckworth | Menendez | Warren |
| Durbin | Merkley | Whitehouse |
| Feinstein | Murphy | Wyden |
| Franken | Murray | |

NOT VOTING—1

Sessions

The motion was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

## MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 12, Steven Mnuchin to be Secretary of the Treasury.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—51

| | | |
|---|---|---|
| Alexander | Fischer | Murkowski |
| Barrasso | Flake | Paul |
| Blunt | Gardner | Perdue |
| Boozman | Graham | Portman |
| Burr | Grassley | Risch |
| Capito | Hatch | Roberts |
| Cassidy | Heller | Rounds |
| Cochran | Hoeven | Rubio |
| Collins | Inhofe | Sasse |
| Corker | Isakson | Scott |
| Cornyn | Johnson | Shelby |
| Cotton | Kennedy | Sullivan |
| Crapo | Lankford | Thune |
| Cruz | Lee | Tillis |
| Daines | McCain | Toomey |
| Enzi | McConnell | Wicker |
| Ernst | Moran | Young |

NAYS—48

| | | |
|---|---|---|
| Baldwin | Durbin | Manchin |
| Bennet | Feinstein | Markey |
| Blumenthal | Franken | McCaskill |
| Booker | Gillibrand | Menendez |
| Brown | Harris | Merkley |
| Cantwell | Hassan | Murphy |
| Cardin | Heinrich | Murray |
| Carper | Heitkamp | Nelson |
| Casey | Hirono | Peters |
| Coons | Kaine | Reed |
| Cortez Masto | King | Sanders |
| Donnelly | Klobuchar | Schatz |
| Duckworth | Leahy | Schumer |

| | | |
|---|---|---|
| Shaheen | Udall | Warren |
| Stabenow | Van Hollen | Whitehouse |
| Tester | Warner | Wyden |

NOT VOTING—1

Sessions

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

Mitch McConnell, Roger F. Wicker, John Boozman, Orrin G. Hatch, Roy Blunt, John Cornyn, Steve Daines, Tim Scott, John Hoeven, Michael B. Enzi, John Barrasso, John Thune, Mike Rounds, Mike Crapo, James M. Inhofe, Joni Ernst, Chuck Grassley.

## MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Flake | Perdue |
| Barrasso | Gardner | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rounds |
| Capito | Heller | Rubio |
| Cassidy | Hoeven | Sasse |
| Cochran | Inhofe | Scott |
| Collins | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Kennedy | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Wicker |
| Enzi | Moran | Young |
| Ernst | Murkowski | |
| Fischer | Paul | |

NAYS—48

| | | |
|---|---|---|
| Baldwin | Gillibrand | Murray |
| Bennet | Harris | Nelson |
| Blumenthal | Hassan | Peters |
| Booker | Heinrich | Reed |
| Brown | Heitkamp | Sanders |
| Cantwell | Hirono | Schatz |
| Cardin | Kaine | Schumer |
| Carper | King | Shaheen |
| Casey | Klobuchar | Stabenow |
| Coons | Leahy | Tester |
| Cortez Masto | Manchin | Udall |
| Donnelly | Markey | Van Hollen |
| Duckworth | McCaskill | Warner |
| Durbin | Menendez | Warren |
| Feinstein | Merkley | Whitehouse |
| Franken | Murphy | Wyden |

The motion was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. BLUNT). The majority leader.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 41.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 41, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to ''Disclosure of Payments by Resource Extraction Issuers.''

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Flake | Perdue |
| Barrasso | Gardner | Portman |
| Blunt | Graham | Risch |
| Boozman | Grassley | Roberts |
| Burr | Hatch | Rounds |
| Capito | Heller | Rubio |
| Cassidy | Hoeven | Sasse |
| Cochran | Inhofe | Scott |
| Collins | Isakson | Sessions |
| Corker | Johnson | Shelby |
| Cornyn | Kennedy | Sullivan |
| Cotton | Lankford | Thune |
| Crapo | Lee | Tillis |
| Cruz | McCain | Toomey |
| Daines | McConnell | Wicker |
| Enzi | Moran | Young |
| Ernst | Murkowski | |
| Fischer | Paul | |

NAYS—48

| | | |
|---|---|---|
| Baldwin | Coons | Hassan |
| Bennet | Cortez Masto | Heinrich |
| Blumenthal | Donnelly | Heitkamp |
| Booker | Duckworth | Hirono |
| Brown | Durbin | Kaine |
| Cantwell | Feinstein | King |
| Cardin | Franken | Klobuchar |
| Carper | Gillibrand | Leahy |
| Casey | Harris | Manchin |
| Markey | Peters | Tester |
| McCaskill | Reed | Udall |
| Menendez | Sanders | Van Hollen |
| Merkley | Schatz | Warner |
| Murphy | Schumer | Warren |
| Murray | Shaheen | Whitehouse |
| Nelson | Stabenow | Wyden |

The motion was agreed to.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to ''Disclosure of Payments by Resource Extraction Issuers.''

The PRESIDING OFFICER. Pursuant to 5 U.S.C. 802(d)(2), there will now be up to 10 hours of debate, equally divided between the proponents and the opponents of the joint resolution.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to discuss the regulatory burden imposed by the SEC's extractive resource rulemaking and offer my support for the resolution to disapprove it.

I will take a few minutes to talk about the complicated history of this rule and then about the concerns with the way it was formulated.

The SEC originally adopted the rule in 2012 and was challenged in court by the Chamber of Commerce and the American Petroleum Institute. In 2013, the U.S. district court threw out the regulation, contending, among other things, that the SEC misread the requirements of the statute. The SEC did not appeal the decision, acknowledging that it needed to rewrite the rule.

The SEC's proposed timetable for a new rule was delayed several times, and in 2014, Oxfam America sued to compel the SEC to move forward on a new rulemaking. The court ordered the SEC to file an expedited schedule and, as a result, a new rule was proposed in 2015 and finalized last year.

As one can see, this rule and its various iterations have been fraught with controversy for many years. Advocates of the rule have said that it will combat corruption in resource-rich nations. The SEC's final rule raised doubts about this. The final rule stated several things, including: The direct causal relationship between increased transparency in the extractive industry and social benefits is ''inconclusive.'' In fact, it noted that ''research and data available at this time does not allow us to draw any firm conclusions.'' Unlike the potential benefits, though, the costs are reasonably certain.

The SEC estimated up to $700 million in initial costs and up to $590 million in ongoing annual costs. Put another way, each company would endure between $560,000 and $1.6 million in initial costs, and between $224,000 and $1.3 million in

additional costs each year. We cannot view these costs as affecting only the largest companies, but must consider the plight of the smaller ones.

Just under half of all companies covered by this rule are considered smaller companies, and they would be disproportionately impacted by millions of dollars in fixed costs—money that could be better spent on jobs and growth.

Finally, the President's statement of administration policy also endorses this resolution. Some of the reasons it highlights include:

In some cases, the rule would require companies to disclose information that the host nation of their project prohibits from disclosure or is commercially sensitive.

The rule would impose unreasonable compliance costs on American energy companies that are not justified by quantifiable benefits.

Moreover, American businesses could face a competitive disadvantage in cases where their foreign competitors are not subject to similar rules.

I have repeatedly stressed the need for the U.S. financial system and markets to remain the preferred destination for investors throughout the world, and this rule harms this status.

I urge my colleagues to support this resolution and to preserve the integrity of our securities laws and capital markets.

Mr. President, I ask unanimous consent to at this time enter into a colloquy with my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Mr. President and chairman of the Banking Committee, I appreciate the time and the recognition. As the chairman knows, I am a member of the Foreign Relations Committee and a former chairman of the African Subcommittee, and I have traveled to both of those continents for many years. I have seen resource-rich and poverty-poor countries where they have a natural resource investment and wealth, but they never reinvest in their people.

I think transparency is important in seeing to it that the resources they receive for selling those natural resources are made available to their people so that the resources go to the benefit of the people and not the government.

Are you also aware that I am not a big supporter of the Dodd-Frank disclosure bill, but I also have concerns that simply vacating the rule implementing the Lugar-Cardin amendment without providing for a replacement would create a setback for U.S. leadership in anti-corruption efforts around the world?

Because of what we have done in transparency and anti-corruption, countries like the United Kingdom, the EU, Norway, and Canada have followed our lead, and I do not want to lose that. Therefore, I wish to ask the chairman of the Banking Committee a couple of questions to ease my fears about this question.

First, I would like to direct a couple of questions to the chairman. It is my understanding that this joint resolution does not—underscore not—repeal section 1504 of Dodd-Frank law; is that correct?

Mr. CRAPO. Yes, that is correct. What this resolution does is to cause the current SEC rule to not take effect. As it was characterized yesterday on the House floor and will be characterized further today on the Senate floor, what the SEC will need to do is to go back to the drawing board and come up with a better rule that complies with the law of the land.

Mr. ISAKSON. I thank the chairman for that answer.

I would like his commitment to work with me and other members of the caucus who are concerned and who want to be assured that the SEC will move forward with the implementation of this replacement provision as soon as possible.

Mr. CRAPO. I thank my colleague. I will work to ensure that the SEC implements all of its congressional mandates.

Mr. ISAKSON. I thank the Chair.

Mr. CRAPO. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President—

Mr. INHOFE. Will the Senator from Ohio yield for a request?

I ask unanimous consent that at the conclusion of the remarks of the Senator from Ohio, I be recognized for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Up to 5 minutes?

Mr. GRASSLEY. OK, as long as I get to speak after this issue is over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I rise in opposition to the resolution before us, which really ought to be titled the ''Kleptocrat Relief Act.''

My Republican colleagues today are trying to repeal a critical bipartisan rule initiated by Senator Lugar, a Republican from Indiana, and Senator CARDIN, a Democrat from Maryland. It is a critical bipartisan rule to prevent corruption.

This transparency rule is part of the Dodd-Frank Wall Street reform law. It is one of the best anti-corruption tools that President Trump now has to keep his promise to, in his words, ''drain the swamp'' in Washington and around the world.

But now, in just week 2 of his Presidency, Republicans are racing to use an obscure law called the Congressional Review Act to wipe it out. The CRA was not intended to hand a new President the power to roll back regulations that protect workers, protect the environment, protect investors, and protect consumers.

In this case, Republicans are using the CRA to target rules that have gone through extensive years-long administrative and public review, including on issues that agencies were specifically ordered by this Congress to study and address.

Republicans' unprecedented use of the CRA is not about Congress performing due diligence or agency oversight, it is a gross abuse of power to make their big corporate allies happy. I heard my friend from Idaho talk about the Chamber of Commerce and the American Petroleum Institute. That is just a start.

The rule they are trying to repeal protects U.S. citizens and investors from having millions of their dollars vanish into the pockets of corrupt foreign oligarchs. It does that by requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the royalties and the bonuses and the fees and the taxes and other payments they make to foreign governments.

This kind of transparency is essential to combating waste, fraud, corruption, and mismanagement, as Senator ISAKSON talked about the poverty he sees in these resource-rich countries.

Yet Rex Tillerson, whom this body just, I believe yesterday, confirmed with a pretty much partisan vote—Rex Tillerson and congressional Republicans want to strip it away. Rex Tillerson, in his years as CEO of ExxonMobil—and we will talk about that in a moment—strongly opposed this rule, almost by himself, with ExxonMobil as the head of that company.

At Mr. Tillerson's confirmation hearing, Senator KAINE from Virginia introduced into the record a 2008 report by Republican Senate Foreign Relations Committee staff. That report was the basis—Republican staff, I assume at the behest of Senator Lugar and others—that report was the basis for what eventually became section 1504 of Dodd-Frank, known as the bipartisan Cardin-Lugar amendment to fight corruption in mineral-rich developing countries. That report concluded that many resource-rich countries are poor because their vast mineral resources often breed corruption. That corruption lines the pockets of the kleptocrats—read ''thieves''—increases poverty, increases hunger, and increases instability.

As Senator Lugar said:

Paradoxically, history shows that rather than a blessing, energy reserves can be a bane for many poor countries, leading to fraud, corruption, wasteful spending, military adventurism and instability. Too often, oil money that should go to a nation's poor ends up in the pockets of the rich or is squandered on the trappings of power and massive showcase projects instead of being invested productively and equitably.

That is called the resource curse. It prevails all over the world today. For example, oil-rich Venezuela is running out of food and medicine. Resource-rich Nigeria is in an economic mess wracked by terrorism and poverty. Armed groups have fought for years

over mineral wealth in the Congo and elsewhere in Africa.

Resource-rich countries in Asia have similar problems. The natural resource sector in so many countries is famously corrupt—the world's single most corrupt industry, according to the Organisation for Economic Co-operation and Development. But oil companies can no longer hide behind the excuse of confidentiality. Increasingly, companies are expected to disclose what they pay in taxes and other payments to governments whose natural resources they extract. That is what this language from Senator Lugar, Senator CARDIN, and Senator LEAHY did. That is what the rule does. That is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of more responsible energy companies, I would say, passed this language and began to implement these laws.

The Extractive Industries Transparency Initiative is a global standard that aims to put information about government revenues from natural resource deals into the public domain in 51 countries, including ours. This includes telling us what taxes the companies pay, which is key to ensuring citizens know what benefits they get—from Venezuela or Nigeria or Congo—from their own natural resources.

Let me offer some concrete examples of the kind of corruption we are talking about. This just turns your stomach.

In Equatorial Guinea, according to anti-corruption groups, oil companies, including Exxon, have had a long history of problems on this front. The regime of President-for-life Obiang, who executed his brutal uncle to gain power almost 40 years ago, has been tarnished with allegations of corruption, cronyism, brutal political repression, routine human rights violations, and drug trafficking for years and years.

Years ago, the Senate Permanent Subcommittee on Investigations released a report and held a public hearing which revealed that a number of oil companies—again, ExxonMobil; they keep coming up in this—were making direct payments into an account in the name of the Republic of Equatorial Guinea located at Riggs Bank in Washington, DC. Virtually all of the money in the account, tens of millions of dollars, consisted of royalties and other payments from oil companies, primarily—surprise—ExxonMobil, to the country of Equatorial Guinea for the right to explore and produce oil in that country. But instead of paying the money to the government or the national treasury of Equatorial Guinea, the companies sent the money to the account at Riggs Bank. That account was controlled by President-for-life Obiang and two of his relatives. The account signatories were the President-for-life, his son, and his nephew. Imagine that. Instead of paying the national treasury, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can't believe we in this body support that. How could the citizens of Equatorial Guinea know how much royalty money was coming in for their oil in their country and where it was going when it was in a secret account controlled by a dictator? The answer, obviously, is they couldn't.

The report from the PSI—the committee that investigated—documented that some of the funds from that account were used to make suspicious transactions. The United States then investigated the President-for-life's family finances. Prosecutors noted that President-for-life Obiang's son ''received an official government salary of less than $100,000 a year but used his position and influence as a government minister to amass more than $300 million worth of assets through corruption and money laundering.'' He paid himself $100,000 but found a way to amass $300 million more—all in violation of the laws of his country and our country both.

In 2014, the son settled a case brought by Federal prosecutors. He agreed to sell his $30 million mansion in Malibu, his Ferrari, and various items of Michael Jackson memorabilia he had collected.

The New York Times reported earlier this month that he is still working to delay his trial on corruption charges in France, where prosecutors say he amassed a personal fortune of $115 million, which he used to indulge his tastes.

When he served as Agriculture Minister of Equatorial Guinea, prosecutors say he used his influence over the timber industry—next to oil, the most important export industry in the country—to line his pockets.

Last November, prosecutors in Switzerland seized luxury cars belonging to him, and last month, at the request of the Swiss, the Dutch authorities seized his 250-foot, $100 million yacht named the ''Ebony Shine'' as it was about to sail to Equatorial Guinea. He said the yacht belonged to his country's government. All the while, his people are starving.

You can't make this stuff up. If the bill before us were adopted, the Obiang family would be celebrating. They would be celebrating in Washington, in California, and in Equatorial Guinea.

In Nigeria, again according to Global Witness, a major oil deal struck by—surprise—ExxonMobil with the Nigerian Government is being investigated by Nigeria's Economic and Financial Crimes Commission, a law enforcement agency that investigates high-level corruption. The probe centers on a protracted and controversial deal agreed to by ExxonMobil and the Nigerian Government in 2009 to renew three lucrative oil licenses, which at the time accounted for around a quarter of Nigeria's entire oil production.

ExxonMobil agreed to pay $600 million to renew the licenses and construct a powerplant at a cost of $900 million to the company, making a total contribution of $1.5 billion. Yet documents suggest that the Nigerian Government may have valued the licenses at $2.5 billion and that the Chinese oil company CNOOC offered to pay $3.7 billion for the same licenses—over six times the amount reportedly paid by ExxonMobil.

Other incredible and notorious examples abound. It would be reason enough for us to act to try to help the millions of people around the world who are victims of this corporate collusion, but in today's world, the resource curse doesn't just impact far-off countries; it affects Americans every day. It has empowered anti-American dictators in Iraq, Libya, and Syria, situations which cost American lives and American taxpayer dollars. It worsens global poverty, which can be a seedbed and a fertile growing ground for terrorism against us and our allies. It leads to the instability that threatens global oil supplies. It raises gas prices at home.

That is why we need this rule—all of the above—to protect American national security interests by combating the corruption and secrecy, with all these oil companies at the table with them. That has caused conflict, instability, and violent extremist movements in Africa and the Middle East. As ISIS has demonstrated, nonstate actors benefit from trading natural resources in order to finance their terrorist operations.

Despite all this, the Republican-led House of Representatives, as Senator CRAPO said, voted yesterday to repeal this bipartisan initiative—an initiative that holds Big Oil accountable and protects the American people. Today, the Senate Republican leadership is following suit. It is a little ironic in light of the fact that Candidate Trump, at almost every rally in my State, almost every rally in State after State after State where he was campaigning, talked about draining the swamp.

Since the rule's creation, ExxonMobil, led by Mr. Tillerson—now the Secretary of State—and Big Oil allies, such as the American Petroleum Institute, the U.S. Chamber of Commerce, and the Heritage Foundation, have fought to kill it.

Who else opposes this rule besides Senate Republicans, House Republicans, and President Trump? There are the autocrats in Russia. We know about the connections between Russia and the Secretary of State. We don't know quite enough about the connections between our President and President Putin because we can't get the President's tax returns. We know something is going on. Everybody knows it. Nobody knows quite what.

Who else opposes it? Autocrats in Iran, where Advisor Flynn made some interesting and provocative comments today, autocrats in Venezuela, autocrats in Africa with oil wells, gasfields,

or copper mines who want to keep their payments a secret. It is working for them. It is working for the autocrats. It is working for Exxon. Apparently it is working for Republicans in the House and Senate too. I am not sure exactly how, but I know it is working.

More than 30 countries—mostly the United States, Canada, and European nations—have adopted similar anti-corruption standards. Senator Lugar, Senator LEAHY, and Senator CARDIN's law passed as part of Dodd-Frank, and the SEC is adopting this rule. More than 30 other countries in the world followed our lead, and some of the more responsible oil companies were prepared to comply. So to be clear, with Europe and Canada in the same disclosure system, the playing field is now level. It is working.

Many companies already report such payments under European rules and are doing just fine, so this is hardly causing them undue burdens in the regulatory framework that my colleagues like to talk about. That is why many in industry support the rule, despite the actions of Exxon, the bad actor here, and the CEO of Exxon—now, amazingly, our Secretary of State.

BP and Shell—two major, large oil companies—have publicly endorsed payment reporting and lining up U.S. rules with those in other markets. Foreign and state-owned oil companies from China and Brazil, including CNOOC, PetroChina, Sinopec, and Brazil's Petrobras, are required to disclose under U.S. rules, leveling the playing field for U.S. companies. Gazprom, Rosneft, BP, and Shell already report under UK rules. The largest mining companies in the world, including Newmont Mining, BHP Billiton, and Rio Tinto, have supported similar reporting. Oil, gas, and mining workers unions, such as United Steelworkers, back the rule.

Notice who doesn't back the rule: Exxon, the American Petroleum Institute, and autocrats in Iran, Russia, and Venezuela.

Investors also support it—including investor groups with $10 trillion under management—so they can better understand and manage the reputational, expropriation, sanction, and other risks facing firms in which they invest. It is supported by the American Catholic bishops, the Presbyterian Church—all kinds of religious groups.

Who is against it? Republicans in the House, Republicans in the Senate, the President of the United States, ExxonMobil, the Secretary of State, who used to be CEO of ExxonMobil, and autocrats in Iran and Venezuela. We get the picture.

All these groups who care about justice, who care about fair play, who care about doing business with predictable and fair rules, like BP and Shell, all of them support it—Global Witness, the ONE Campaign, Oxfam, and Publish What You Pay.

We need to be clear on one other thing my friend from Idaho said: This rule won't cost a single American job. Everything oil companies can legally do today is still allowed under the anti-corruption rule. They only have to do one more thing: They have to report their numbers to the Securities and Exchange Commission. How can that cost millions of dollars?

The Cardin-Lugar rule makes Big Business and government more transparent, fights corruption, and does it all without hurting taxpayers. It is a creative approach to global problems that our leaders did embrace until we had a President who wants to ''drain the swamp,'' he says—should be embracing, not rejecting at the behest of just a few actors.

Again, who is lobbying to overturn this rule? It is autocrats around the world. It is Exxon. It is the American Petroleum Institute. It is a very small number of companies, when so many people are on the other side.

If we repeal this measure today, shareholders, investors, and poor communities around the world will continue to see their money and natural resources stolen by crooked oligarchs. We will be undoing the moral leadership. This is in so many ways a moral question that Senator CARDIN, Senator Lugar, and Senator LEAHY brought to us bipartisanly, with broad support by both parties. We will be turning a blind eye to corruption, we will be betraying our principles, and we will be undercutting our allies in Europe and Canada who followed our lead and crafted their own rules based on ours.

Under the terms of the Congressional Review Act, any future ''substantially similar'' rule will be forever prohibited from being written by the SEC. That makes no sense.

I hope this effort fails. I know my Republican colleagues understand this because enough of my colleagues recognize the merits of this anti-corruption measure and they refuse to kowtow to the dinosaur wing of Big Oil. It is not even all of Big Oil; it is the dinosaur wing of Big oil. It is the autocrats. It is the American Petroleum Institute. It is the Chamber of Commerce. It is ExxonMobil.

I thank Senator CARDIN and Senator LEAHY for their work, and I thank former Senator Lugar from Indiana for the important work he did on this measure.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know that President Obama is gone now, but his War on Fossil Fuels is alive and well. However, they are not winning that.

Back in Oklahoma, they ask me the question sometimes: If all of the liberals are concerned and if they are all opposed to fossil fuels—and to nuclear, I might add; coal, oil, gas, and nuclear—if coal, oil, gas, and nuclear are responsible for 89 percent of the power it takes to run this country, how do you run the country without those? Those are the kinds of questions we get.

I appreciate and—I know it is a very popular statement that was made by my friend from Ohio; unfortunately, it has nothing to do with the issues we are looking at right now.

Back during the time Dodd-Frank was considered, it was dealing with banks and financial institutions. It had nothing to do with energy. Yet section 1504 was put in there. Part of section 1504 required that information be provided during the course of a competitive situation for some kind of a project.

I will give you an example. We have a private sector in our oil and gas. For China, that is a government project. If we are competing with them—let's say for some cause that is in Tanzania or someplace—they said, so that there is a safeguard and there can't be corruption, so that if we should win—I say ''we,'' but I am talking about the private sector in the United States of America—then they have to report the information to the SEC, which in turn makes it published. Their intent was not to have to break down everything that was in that offer. It is the bottom line.

What is the total cost that goes to these countries? What are the total costs? That is all they care about because if that money went to Tanzania—and there are some corrupt officials there and they might steal some of the money, but to keep that from happening, we want to report what the cost was in the winning party. You don't have to have all that information.

In fact, in 2013, the court struck this down because they said that was not the intent. The intent was to have the total figure, so they said, even suggested—and our intent at that time was to vacate that, as the court did vacate that rule and send it back and have the SEC redo it in such a way that it would affect only the amount of money that would go that might cause some corruption at some time. That is what it was all about. Unfortunately, they put together another one that was very similar and required a lot of information that was not necessary.

I would like to correct something on the CRA that the Senator from Ohio said. The CRA is there because when an unelected bureaucrat comes out with some kind of an unreasonable rule that is very costly to the people of this country and it is done by someone who is not an elected official, the elected official says: Look at this. Wait a minute. This is something that people are complaining about when I go home.

They love that because they can say: This wasn't me. This wasn't me. This was an unelected bureaucrat that put these rules in.

What a CRA does is make us in the House and in the Senate more accountable because we have to then stand up and vote on something, saying that we endorse this rule or we don't endorse this rule. That is what it is all about.

Anyway, we have an opportunity here to go ahead, and I am certainly

hoping that we will do this and change this rule so that it would make as a requirement nothing but the amount of money that is paid by the winning party in a situation where they are competing with each other.

If that happens, then we will know how much money that was, and we will be able to go to the party and find out if they are stealing some of this money. Why is it necessary to have all of the components of competition when you have the private sector in the United States of America competing with countries like China where it is a government-owned institution?

That is all this is about. All we want to do is to be able say we want to report so that the public knows how much the total bid or, in this case, the total amount was, not all the components that went into the calculation of that. That is all it is about.

My time has expired.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I wish to lay out the schedule for everyone. I know they are interested in knowing the way forward. I have discussed with the Democratic leader where we go from here.

The Senate is going to debate the pending joint resolution tonight for as long as there is interest in debate. Tomorrow the Senate will convene at 6:30 a.m. and immediately proceed to two rollcall votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

Restating that, debate tonight as long as our friends on the other side would like to debate, and tomorrow we will convene at 6:30 a.m. and immediately turn to two rollcall votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, has the distinguished majority leader finished?

Mr. MCCONNELL. Yes.

Mr. LEAHY. Mr. President, Republicans in both Chambers have introduced a resolution to permit oil, gas, and mining companies to continue making secret payments—involving billions of dollars—to corrupt foreign governments in exchange for access to their countries' natural resources.

This resolution would overturn legislation on which I worked closely with former Republican Senator Richard Lugar and Senator CARDIN and was included as section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide greater transparency when such payments are made and help better inform investors and combat massive corruption in the process.

One would think that everyone here would support a commonsense rule that will protect investors and make it a lot harder to get away with the theft of billions of dollars in public funds in some of the poorest countries of the world. But apparently, that is not a concern, at least not to the sponsors of this resolution or those who intend to support its passage.

Some Republicans and their friends in the oil and gas industry say this rule creates unacceptable burdens. That is utterly without merit, as I will explain in a moment.

But even assuming there were a grain of truth to that, rather than proposing to amend the underlying legislation, which would require bipartisan support, this resolution is being advanced under the Congressional Review Act, to enable a simple majority vote to completely dismantle the rule with minimum debate.

Keep in mind that the rule is simply the product of the U.S. Securities and Exchange Commission, SEC, implementing bipartisan congressional intent and would not take effect until the end of 2018. Despite what some have claimed, the SEC has not twisted the statute in any way when they developed this rule. But if this rule is overturned, the SEC will be prevented from issuing any substantially similar rule, potentially in our lifetimes.

In other words, what we are doing here is, for all practical purposes, the death knell for global efforts—involving most of our closest allies—to combat massive corruption resulting from the extraction of natural resources and help investors assess risk in the often murky and unstable oil, gas, and mining sectors. This is an issue on which the United States, until now, has been a global leader.

I mention this because the sponsors of this resolution have said that they support the goals of this rule, and all they want to do after overturning it is make some minor adjustments to it. That is the epitome of disingenuous. The rule does not take effect until the end of 2018. If that was what they really wanted to do, they would propose an amendment, and we could discuss it. Their real purpose, even if they are reluctant to say so, is to prevent disclosure.

This rule has two primary purposes. First, it is to protect investors. Investors whose combined net worth exceeds $10 trillion, support this rule and its equivalency with the rules adopted by some 30 other governments. And second, to protect the public.

The practical effect of overturning this rule is that U.S. and foreign companies will be able to continue to make secret payments to corrupt foreign autocrats like Vladimir Putin and kleptocracies in Africa like the governments of Angola and Equatorial Guinea. By doing so, these companies will be aiding and abetting those kleptocrats when they pocket the proceeds for their personal use. We have seen this for years. The people of those countries barely survive on $1 or $2 per day, while their leaders drive Mercedes, fly private jets to vacation homes on the French Riviera or in Santa Monica, and pay off the armed forces to keep themselves in power.

And where does the money come from that pays for that grotesque flaunting of wealth? From the royalties paid by U.S. and other foreign companies.

Do we really want to be complicit in that kind of thievery and immorality by shielding it from public scrutiny? Do we really think that the American people want to be tarred with it indirectly through the shady activities of American companies? Do we really want to hide important information from investors who are trying to assess risk in the companies they invest in? Of course not.

Anyone who reads this rule and pays the slightest attention to the estimated $1 trillion lost to crime, corruption, and tax evasion in these countries and the millions of deaths attributed to corrupt practices where these extractive companies operate will recognize the fallacy of the baseless attacks by those who oppose it.

The sponsors of this resolution claim that this rule puts American businesses at a competitive disadvantage. What are they talking about? The rule applies to both U.S. and foreign companies and complements existing laws elsewhere in the world. In fact, Chinese state-owned companies, like PetroChina and Sinopect, are covered by the U.S. law. Great Britain, the EU, Canada, and Norway are just four examples of governments that have adopted similar rules, with Russian state-owned companies like Rosneft and Gazprom covered in the U.K.

I challenge the sponsors of this legislation to provide any objective facts to support the argument that U.S. companies are disadvantaged by this rule. That is a pernicious myth.

The sponsors have also repeated the self-serving claims of the petroleum industry that complying with this rule would unacceptably increase their cost of doing business. While that has become the predictable complaint of the business community whenever such a rule is promulgated, in this instance, they base it on an outdated and discredited analysis. The irony is that, even if one were to agree with their most farfetched, worst-case scenario, it pales compared to their immense profits.

If we overturn our rule, what prevents others from doing the same? And then we are right back where we started. Once again, we will have paved the way for secret payments and billions of dollars stolen from the public treasuries and squirreled away in Swiss bank accounts by the Robert Mugabes of the world.

There is another aspect to this that no one has talked about, and that is the connection between corruption and terrorism, particularly in Africa. Terrorist groups flourish where government corruption contributes to incompetent, corrupt military forces. Terrorists benefit when revenues from these

activities are kept in the dark, enabling them to radicalize and recruit an impoverished and resentful population. By overturning this rule, Senators should know that violent extremists, terrorists, and other criminal enterprises will be among the beneficiaries.

Corruption is among the most corrosive forces that breed instability and violence, and then countries like ours end up trying to feed and shelter the innocent people who bear the brunt of it.

It not only wreaks havoc on the people of those countries; it hurts American companies trying to do business there, and it hurts Americans who invest in these risky companies. If the norm is nondisclosure, then bribery becomes an unavoidable and accepted way of doing business.

That is what companies from countries like Russia and China that compete with American companies would prefer because corruption is what they are best at. But this rule requires those foreign companies and others to similarly disclose their profits. Are the sponsors of this resolution even aware of this? This rule will enhance U.S. competitiveness. This rule protects investors and the public.

When it was first passed, section 1504 put the United States at the forefront of transparency and government accountability efforts. And as I have already said, that leadership paid off. Other countries have followed our example. This resolution will jettison a decade of work here and abroad. There is no excuse for it. There is no need for it. If there are legitimate concerns about section 1504, then let's talk about ways to amend it and improve it.

But let's not, by overturning this rule, tell the world that we don't believe in transparency and good governance, that we will turn our backs on the theft and misuse of payments made by U.S. companies, that we do not care about the people of those countries who suffer the consequences, and that we do not care about American investors who deserve this critical information so they can have confidence in the companies they invest their hard-earned money in. This resolution is an affront to the values and to the citizens of our great and good Nation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator LEAHY for his comments. Ten years ago, I was privileged to be elected by the people of Maryland to represent them in the U.S. Senate. I came to the Senate with Senator BROWN at that time. It was our first year. Senator BROWN had the opportunity to serve on the Banking Committee. I had the opportunity to serve on the Senate Foreign Relations Committee. Today I hold the position on the Senate Foreign Relations Committee that Senator Lugar held when I first went on the committee; that is, the ranking member of the committee.

I remember one of the very first hearings we had in the Senate Foreign Relations Committee on resource, curse or blessing. It was a matter of concern to every single member of the Senate Foreign Relations Committee, Democrats and Republicans. We saw the faces of people from nations in Africa who had a resource wealth, but they had the resource curse. The people were living in horrible poverty. Yet the country had mineral wealth—gas and oil—that was being exploited but not for the benefit of the people. It was being used to obtain income for their leaders to funnel corrupt practices. Senator Lugar, in October of 2008, authored a committee report of the Senate Foreign Relations Committee entitled ''The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts To Fight The Resource Curse.''

We went through the regular legislative process as to how we could deal with the circumstance that we knew the United States must exercise leadership. As Senator BROWN has pointed out the whole history and the importance of it—and all of the details—I just want to fill in some of the details as to how this came about because we were looking for a way in which we could turn the wealth of a nation to its people and cut off the corruption that it funded. The corruption was not just the obscenity of wealth being used by their leaders—as Senator BROWN pointed out in Equatorial Guinea—it was also the fact that this wealth that was coming to these leaders was also being used for criminal activities, to finance illegal drug activities and to finance terrorism.

I take issue with my friend from Oklahoma and his comments. There has never been an effort in this legislation to affect the supply of any source of energy here or anywhere around the world. That is being done. The question is, Where does the money go that is being used to exploit these resources? Do they go to the people of the country where the resource is located or do they go for corruption? That is what we attempted to do—Senator Lugar and I and others. I thank Senators LEAHY and DURBIN, who was on the floor earlier and was one of our early leaders, Senators MENENDEZ and WICKER. We did this not only in the Senate Foreign Relations Committee at the time I was chairman of the Senate U.S. Helsinki Commission—the Helsinki Commission, and Senator WICKER was helping, we worked in that organization to see how we could deal with transparency and how the American leadership could help the international effort to end the resource curse. As a result, legislation was authored and introduced in order to try to deal with this issue. Senator Lugar and I authored a bill, a bill that said we want to know where the money is going so we can track the money. We wanted to be able, for the people of that nation, to say: We know money is coming in now. Our leaders show us where the money is going.

That legislation was introduced. It was debated. It became part of the Dodd-Frank law. Quite frankly, it was supported in a rather bipartisan way, and it became law. Ever since its enactment, it has been fought by the American Petroleum Institute. I am not sure why because today other countries have adopted similar standards. This information is readily available as far as the way it is compiled by companies. Many oil and mineral companies today are supplying this information with no complaints, no problems, but it was fought.

Tonight we are debating the use of the Congressional Review Act. It was pointed out earlier tonight that before today, it only had been used once since its 1996 enactment. The reason is because it is a sledgehammer approach to dealing with issues that should be dealt with by a scalpel, but here is the real abuse. We are using the Congressional Review Act—which is supposed to be used when an agency goes rogue, when they start to do things that were never intended by Congress, were never authorized by Congress. Section 1504 was passed by Congress, and it has taken the SEC almost a decade to get the rules out. And we are saying they abused their power? Maybe they abused their power by delay, but they certainly haven't abused their power with what they have come forward with. They are carrying out congressional mandate as they should. It was never the intent of the CRA to be used for this type of a process. So I just urge my colleagues to recognize that this is not the right way we should be proceeding.

In September 2009, with Senator Lugar's help, I introduced legislation. It was bipartisan. Senators MERKLEY, WICKER, SCHUMER, LEAHY, DURBIN, FEINSTEIN, MENENDEZ, and others joined in that effort. The SEC was directed to develop rules on oil, gas, and mining companies as to how the disclosures could be made on the U.S. stock exchange so they could disclose their rights and payments made to foreign governments. That is what we mandated. Why do we want to know that? Because these royalties and payments were basically bribes to government leaders because it never went to the people. It was in the U.S. interest, not only because of how those funds were used against our principles and not only did it finance illegal activities, but it could have been a source for stable governments, which was important for U.S. interests that we have stable governments. It helps us in our foreign policy and national security. It also gives us a stable source of oil, gas, and minerals. Investors have the right to know. They have the right to know in what countries their companies are investing their stockholder investments.

It was a reasonable request by Congress. One of my colleagues indicated that it was held to be inappropriate by our courts. That was on a process issue. It was not on a substantive issue. That

was corrected. A new rule has come out, and now we are using a CRA in order to block it. The rule, as it is currently worded, provides for a reasonable period for enforcement. So it is not even going into effect immediately because we are allowing the companies to have ample time in order to comply with the rule.

I just want to make this point. It creates a level playing field. It does not put American companies at a disadvantage. This is a level playing field. Thirty countries already require this. The EU requires this. Canada requires this. Do you want to know why they did it? Because the United States led. We passed the law. I met with the Europeans. I met with the Canadians. They said: This is a good bill. You are our leaders. You are doing it. We are going to do it also so they did it. It is in effect in these countries. Oil companies and mineral companies have complied with it. They are fine. Guess what. It wasn't difficult. Shell, BP, France's Total, Russian's Rosneft, Lukoil, Gazprom—their huge giant—all have reported. It has not caused any competitive problems. They are not losing any proprietary rights, as has been suggested. There has been no harm done.

When I listen to the cost-benefit analysis and listen to our distinguished chairman talk about the data is not really available, the reason the data is not available is because we don't have disclosure. If we get the information, then we will be able to tell exactly how we can deal with the problems in Ghana or Nigeria or in Equatorial Guinea or problems in so many countries where the people are hurting with some of the worst poverty rates in the world. We will be able to find that information out, but if we don't know what is being paid by U.S. companies, how do you do a cost-benefit analysis? I don't know how you could possibly do it.

I heard the numbers, the cost of compliance, and I would challenge that. I would challenge the cost of compliance numbers because this information is already available. Companies know where their money is going. It is a normal business issue. I heard it is going to cost hundreds of millions of dollars of contracts. I don't want to minimize the cost, but as a percentage of the business they are doing, it is minor. The benefit we get if the money can go to the people and deal with these horrible conditions that we see in these resource-wealthy countries, then it is certainly worth the effort. That is part of our effort in dealing with other countries, to try to lift up the standard of living in so many of these countries.

So when we look at, again, what is at stake—what is at stake? And that is to allow the wealth of a country to go to its people for its stability. I have heard my colleagues say: Well, we are not against this. The law is still there. All we are talking about is this regulation. Once we pass this CRA, we are going to go back to work with the SEC and bring in a new rule. Do you really believe that? Do you really believe that if we pass this CRA, that we are going to see a new rule come out of the SEC? It has taken us 9 years to get to where we are right now. Do you really believe that with the law saying that the SEC cannot bring out a rule that is substantially the same in form, unless authorized by a subsequent law of Congress—do you really believe that will not be challenged in the courts with lengthy litigation before we will ever see another rule take effect?

Let us be clear about this. I am going to continue to do everything I can to make sure that the people of these nations get the wealth of their country. I am going to do everything I can. I am going to work with all my colleagues on both sides of the aisle. I really do believe in the sincerity of my colleagues, that they believe in this transparency. It is going to be tested. I am going to come back and see where we can make sure that 1504 is enforced because if I heard my chairman—and I respect him greatly, we work on a lot of issues together—when the chairman says that he is going to make sure the SEC complies with all congressional mandates—this is a congressional mandate—and it is our responsibility to make sure the SEC complies with Section 1504. If our colleagues pass this CRA—and I hope you don't—it is our responsibility to make sure the SEC complies with 1504. I am going to be here urging in every way I can to make sure that happens.

Mr. President, I ask unanimous consent that the statement from Publish What You Pay, which talks about a lot of the different aspects and myths that have been said, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLISH WHAT YOU PAY UNITED STATES

MYTH BUSTING: THE TRUTH ABOUT THE CARDIN-LUGAR ANTI-CORRUPTION PROVISION

The Cardin-Lugar Provision requires US-listed oil, gas and mining companies to publicly disclose the project-level payments they made to the U.S. and foreign governments for the extraction of oil, gas and minerals.

The Cardin-Lugar provision is a landmark piece of bipartisan legislation. The final anticorruption rule implementing the Cardin-Lugar provision passed by the SEC in June 2016 significantly advances international efforts to curb corruption and has been applauded by investors, companies and governments around the world. However, a great deal of misinformation has been spread about the rule. Below you will find evidence correcting the most glaring inaccuracies put forward.

But before getting into the myths, here are some hard facts.

Research concludes that increased transparency resulting from the disclosures required by the Cardin-Lugar Rule could lower the cost of capital for covered companies by $6.3 billion to $12.6 billion.

The international norm of resource sector payment transparency, built on strong American leadership, is estimated to have increased predicted global GDP by $1.1 trillion.

Investors representing nearly $10 trillion in assets under management support of the Cardin-Lugar Rule.

Between 2011–2014 conflict linked to corruption in Libya led to five U.S.-listed companies missing out on an estimated $17.4 billion due to production disruptions.

Myth 1: Compliance costs for disclosure could reach as high as $591 million per year.

Facts: The only comprehensive cost analysis submitted to the SEC concluded that the total aggregate compliance cost to industry in the first year would amount to $181M and would not exceed $74 million per annum in subsequent years.

The $591 million number comes from an outdated SEC estimate from the 2012 version of the final rule. The reason the number is so high is because API claimed that there were countries that prohibited disclosure and if companies were forced to disclose they would have to hold a 'fire-sale' of all of their assets in that country—this number comes from the assumption that every company would lose their assets in these countries where disclosure was supposedly prohibited. It is (1) disingenuous to quote this cost estimate from the 2012 regulation, instead of quoting form the 2016 regulation, and (2) irrelevant because the SEC now allows for companies to apply for an exemption if they believe disclosure is prohibited in a country, therefore the above estimate is wildly inaccurate.

Myth 2: U.S. companies are at a competitive disadvantage because non-U.S. companies do not have to make the same disclosures, and the rule applies only to public companies.

Facts: The U.S. law covers all oil, gas and mining companies listed on U.S. stock exchanges not simply companies based in the United States. Thus, the rule covers all companies filing an annual report with the SEC both foreign and domestic. This includes foreign oil majors BP, Shell, and Total as well as leading state-owned oil companies from China and Brazil, such as PetroChina and Petrobras. But a significant number of foreign companies are already required to make the same type of disclosures under the rules in other jurisdictions.

Since the passage of Cardin-Lugar in 2010, important U.S. allies have followed our leadership in payment transparency and now 30 countries have adopted their own mandatory disclosure rules for companies listed on their stock exchanges. And while in many ways, the Canadian and EU requirements are more stringent (and also cover private companies), the laws in all jurisdictions have been deemed equivalent by the SEC. Companies are allowed to submit the same reports in all jurisdictions. These laws already cover the vast majority of companies that compete with American firms including Russia's state-owned companies, Gazprom and Rosneft which are required to report in the UK.

Myth 3: The SEC rule is burdensome.

Facts: The Cardin-Lugar Provision is a reporting requirement, which is not onerous and does not limit the operations of oil, gas, and mining companies; the rule simply requires companies to publicly report payments that companies would track in the normal course of doing business The rule is a straightforward requirement to make that data transparent and usable by investors and citizens. Leading global oil and mining majors such as Shell, BP and Total, along with Russian state-owned companies, are entering their second year of reporting under EU rules without any negative impact or reported issue. In fact, many major companies have publicly endorsed this type of reporting

and have called on the U.S. to ensure our rules are harmonized with those other markets.

Myth 4: The rule requires companies to disclose proprietary information that could help foreign competitors.

Facts: The SEC rule requires companies to disclose payment information; it does not mandate the disclosure of proprietary, confidential or commercially sensitive information by companies. Numerous companies are already reporting under the similar rules in other markets, such as Shell and BP, and none have reported any competitive harm from payment transparency. However, the SEC's rule nonetheless contains safeguards. To the extent a company legitimately believes that disclosure will risk exposing proprietary information, they can apply to the SEC for exemptive relief on a case-by-case basis.

Furthermore, a competitor cannot use payment data to ''reverse engineer'' a company's return on investment or the contract terms of a specific project. Complex factors such as access to technology and finance determine a company's success in winning bids with host governments—not transparency of payments. Extractive companies that are covered by payment disclosure requirements in other jurisdictions have continued to win bids.

Myth 5: This rule was not properly vetted by Congress.

Facts: The Cardin-Lugar Amendment enjoyed bipartisan support and was subject to extensive review in both the House and Senate, and it was unanimously supported in conference. It is based on underlying legislation with a long Congressional history that was the subject of multiple hearings in both the House and Senate. In fact, the first precursor was a Republican House resolution on oil and mining transparency from 2006. For this reason, propositions to repeal the rule signify an inappropriate use of the CRA. The intent of the CRA is to address midnight rules, not rules like 1504 that have undergone years of extensive regulatory development.

Myth 6: The SEC rule will cause companies to lose out on foreign contracts.

Facts: Opponents of the Cardin-Lugar anti-corruption provision have claimed that companies could be placing themselves at odds with legal or contractual prohibitions on reporting in countries like Angola, China, Qatar, and Cameroon and may subsequently lose out on business in those countries due to the transparency rule. In the six years since this law was passed, no company has produced evidence that any country prohibits this type of disclosure, and numerous submissions to the SEC have demonstrated no such prohibitions exist. The experience of companies already reporting under the parallel disclosure rules in other countries likewise confirms the absence of any prohibition on reporting; companies like BP and Shell have disclosed project-level payments made in Angola, China, and Qatar with no repercussions. Nor have these companies lost out on bids because of payment disclosure requirements. Nonetheless, the Cardin-Lugar provision contains safeguards to ensure that companies that face a legitimate problem can apply for an exemption from disclosure on a case by case basis.

Myth 7: The Cardin-Lugar provision has nothing to do with the SEC or investors.

Facts: It is important to note that the SEC extractives transparency rule is not a case of agency overreach. Congress specifically mandated the SEC issue this rule in Section 1504 of the 2010 Dodd-Frank Act, and by issuing the 2016 rule the SEC complied with the will of Congress. Both Senator Cardin and Senator Lugar, the original sponsors of the bill, along with Senators Leahy, Durbin, Brown, Warren, Baldwin, Markey, Coons, Shaheen, Whitehouse, Menendez and Merkley, expressed explicit support for the SEC's interpretation of Section 1504 during the rulemaking process.

The rule has significant benefits for investors. Throughout the rulemaking process, investors worth nearly $10 trillion of assets under management repeatedly emphasized their support for payment disclosures under the rule. The rule provides investors with critical information for assessing risk in the often murky and unstable oil, gas and mining sectors, with positive follow-on impacts for firms that benefit from increased investor confidence and certainty. The increased transparency resulting from this provision has been estimated to lower the cost of capital for covered U.S.-listed firms by $6.3 billion to $12.6 billion.

Myth 8: We don't need Cardin-Lugar because we have the Foreign Corrupt Practices Act.

Facts: While the Foreign Corrupt Practices Act (FCPA) remains an important statutory tool critical to fighting global corruption, its scope is confined to bribery. Bribery is only one tool used to facilitate corruption. All too often, it is the legal payments made to governments that are misused, or siphoned off to the bank accounts of a country's corrupt elites. However, the fact that companies are already subject to the FCPA does mean the burden of reporting payments to comply with the Cardin-Lugar rule is minimal; companies are already required to collect and track payment information as part of the books and records provision of the FCPA. In this way, the two laws work very well together in creating a strong regulatory foundation to prevent corruption.

Myth 9: This rule is the same as the one sent back to be revised by the courts in 2013 and did not incorporate the Court's or industry concerns.

Facts: The American Petroleum Institute filed suit to challenge the original rule issued by the SEC in 2012, despite its largest member companies claiming to support transparency. The earlier version of the rule was vacated by the court and sent back to the SEC in 2013 on narrow procedural grounds, not on the substance of the rule. Since then, the SEC has had another two years of public consultations and internal analysis, resulting in an even more robust record with substantial evidence supporting each aspect of the 2016 rule. That evidence also includes the experience of companies already reporting on their payments under similar rules in other jurisdictions. The SEC's final rule strikes an appropriate balance by requiring the level of transparency Congress intended, while also accommodating industry concerns by providing companies with the opportunity to apply for case-by-case exemptions when they face reporting challenges and a generous phase-in period. Reporting will only begin at the end of 2018.

Myth 10: Sections 1504 (extractives transparency) and 1502 (conflict minerals) are the same thing/substantially similar.

Facts: Section 1504 requires U.S.-listed oil and mining companies to annually disclose the company's major payments made to the U.S. and foreign governments. It is simply a financial disclosure of payments companies already track.

Section 1502 mandates that a certain set of companies using tin, tungsten, tantalum or gold in their products undertake supply chain due diligence and report annually to the SEC regarding the source of the minerals used in their products and whether the minerals are sourced in conflict areas in the Democratic Republic of Congo.

Myth 11: The Cardin-Lugar rule poses a security risk for American companies and their employees working abroad.

Facts: There is no evidence justifying the claims that the Cardin-Lugar rule would have any negative impacts on security. In fact, all available evidence points to the contrary. The United Steelworkers explicitly argue that the Cardin Lugar anti-corruption rule will enhance employee safety. Generally, 1504 helps protect U.S. national security interests by preventing the corruption, secrecy, and government abuse that has catalyzed conflict, instability, and violent extremist movements in Africa, the Middle East and beyond. As ISIS demonstrated, non-state actors can benefit from trading natural resources in order to finance their operations; project level reporting will make hiding imports from non-state actors more difficult, thereby limiting their ability finance themselves with natural resource revenues.

Myth 12: This law increases prices at the pump and takes capital away from other business opportunities.

Facts: All of the data suggests that transparency actually helps company balance sheets by lowering the cost of capital and increasing investor confidence. On the other hand, corruption costs oil and mining companies millions of dollars every year from instability and fragility in resource-rich countries, which contributes to increased operating risks, waste, inefficiency, and delays. For instance, between 2011 and 2014, the conflict in Libya fueled in part by citizens' frustration with corruption and poor governance caused five U.S.-listed oil companies to miss out on more than $17 billion in revenues due to production disruptions in the country.

Mr. CARDIN. Let me conclude, for years, Congress has been fighting to shine a light on the billions of dollars paid by extracted companies to foreign governments. By taking away one of the only tools we have to shine a light on extracted payments' associated corruption, we are sending a message to corrupt leaders around the world that the United States does not care about corruption; that we won't hold them accountable, and that they should continue with business as usual: Exploiting their own people, and perhaps even funding terrorist organizations with some of their secret proceeds. It is not in our national interest to stop an anticorruption rule that bolsters America's national security, advances our humanitarian and anticorruption goals, and demonstrates U.S. moral leadership.

I urge my colleagues to join me in voting against this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Mr. President, I want to take a few minutes to comment on some of the initial reactions that I have heard from my Democratic colleagues on the President's nomination of Judge Gorsuch to be an Associate Justice of the Supreme Court.

First of all, even before we had the nominee, there were many of the Democratic Members vowing to filibuster the nominee, site unseen. That, of course, is very unfortunate, as well as being ridiculous—in other words, saying you are going to filibuster somebody before you even know who the nominee is. But of course, given

how the minority has treated the President's Cabinet nominees so far, it is not exactly surprising that they would say this before the President even nominated somebody for the Court.

Then, of course, this week the President announced his nominee. Judge Gorsuch, of course, was confirmed by the Senate in 2006 without a single ''no'' vote and is universally respected as one of the finest and most fair-minded judges in the country. In fact—get this—one of President Obama's Solicitors General called him ''one of the most thoughtful and brilliant judges to have served our Nation over the last century.''

Now, if an Obama Solicitor General says that and that is not mainstream enough, I don't know what is. After the President's announcement, something very interesting happened. Right out of the gate, there were a number of Senate Democrats calling for ''a hearing and a vote.'' Well, that certainly sounds very encouraging. The press picked up on these comments, and one newspaper even reported that after learning who the nominee was, there were already seven Senate Democrats opposed to filibustering this nominee.

At first glance, it appears those Democrats were trying to be consistent with their stance from last year that a nominee deserves a hearing and an up-or-down vote. But of course, now they conveniently seem to have dropped the up-or-down portion of that stand.

Now, isn't that a nice trick, a new trick. Take, for example, one of my colleagues, who last year said: ''The Constitution says the Senate shall advise and consent, and that means having an up-or-down vote.'' But oddly, just yesterday, that same colleague said: ''I support a 60-vote margin for all Supreme Court nominees.''

That is a very nice sleight of hand. But most of the Senators are not that gullible. The Washington Post Fact Checker certainly took notice of their wordsmithing. That has earned them two Pinocchios. When you look at the facts, a 60-vote threshold has never been a standard, as the minority leader said yesterday. Otherwise, we would not have two of the current justices sitting on the Supreme Court.

Of course, my colleagues tried unsuccessfully to filibuster Justice Alito. The Senate voted 72 to 25 to invoke cloture. He was then confirmed 58 to 42 on an up-or-down vote.

Justice Thomas, now on the Supreme Court for 25 years, was confirmed 52 to 48. There was no cloture vote on Justice Thomas's nomination. In fact, the Senate did not set any sort of a requirement that there be 60 votes for 7 of the 8 justices serving on the Court. So, if there has been any sort of requirement or practice in the Senate on Supreme Court nominees, it has, in fact, been that the nominee does not need 60 votes, although many of them received that kind of support.

We already know some Members have pledged to filibuster the nominee. This minority leader stated that part of the ''fair process'' is a 60-vote threshold. I suppose that if you are already committed to attempting a filibuster on a Supreme Court nominee before you even know who that person might be, then you might consider that part of a fair process.

Of course, we all know—all Republicans and Democrats know—that launching a filibuster against a Supreme Court nominee is not part of a fair process. It never has been. But I suppose we should cut our colleagues just a little bit of slack. They are having a hard time figuring out how to make good on their promise to attack the nominee no matter who it is, when they have now been presented with a nominee with impeccable credentials as well as broad bipartisan support.

This brings me to the second brief point that I want to make. Judge Gorsuch had barely finished speaking at the White House, and there were already attacks on the nominee by some on the left. Some of my colleagues on the other side of the aisle had already taken to the Senate floor to attack and mischaracterize Judge Gorsuch's record. Though we expected it, these scurrilous attacks are untoward and obviously misplaced. After all, those on the left trot out the same tired arguments against every Republican nominee.

Now, you know, going back a few years—maybe, too far for some of you younger Members—they attacked Justice Stevens because he ''revealed an extraordinary lack of sensitivity to problems that women face.''

They called Justice Kennedy a sexist who ''would be a disaster for women.'' They said there was ''ample reason to fear'' Justice Souter. Of course, you know what turned out. Justices Stevens and Souter turned out to be favorites of the left, and too often Justice Kennedy has ruled the liberal way.

This morning, the Washington Post editorial board noted that, while we argued last year—meaning the paper argued last year—that the President should not fill a Supreme Court vacancy that occurs during a Presidential election year, Senate Republicans—quoting the Post—''refrained from tarring Mr. Garland personally.''

Now, in contrast, the paper noted that this dissent is unwarranted this early by writing this: ''Trashing Mr. Gorsuch as an outlandish radical, despite his impeccable credentials, the wide respect he commands in his field, his long service as an appeals court judge and the unanimous voice vote he received the last time the Senate considered him for the Federal bench is, at the very least, premature.''

Our friends on the other side of the aisle would do well to take note of the Washington Post's observation. So I would like to make this point. If the process we have witnessed for the President's Cabinet nominees is any guide, I am quite confident that we will hear all manner of reasons and arguments about why we should delay a hearing on Judge Gorsuch.

But as my friend and former chairman of the Judiciary Committee, Senator LEAHY, often noted, Supreme Court nominees don't have the opportunity to respond to personal attacks outside of their confirmation hearing. So I am going to consult with the ranking member on timing for the hearing. But I can tell you what we are not going to do. We are not going to delay this hearing, especially in the face of all of these attacks on his record and character, which, both for the record and for his character, are unjustified.

So I will conclude with this. I had the good fortune of meeting one-on-one with Judge Gorsuch yesterday. He is as impressive a person in person as he is on paper. I expect that as my friends on the other side of the aisle meet Judge Gorsuch and actually review his record, they will find him to be an imminently qualified and universally respected judge, whose decisions faithfully applying the text of the law place him well within the judicial mainstream.

Now, maybe people that say they want a mainstream judge wanted an activist judge who will read the text the way the judge wants it read for their own personal views, as opposed to the intent by Congress. But Judge Gorsuch is doing what any judge should do reading the law. He said: If any judge likes every decision he makes, then he is not a very good judge.

Now, this is what we are going to do. We are going to do our due diligence, and we are going to send a questionnaire to Judge Gorsuch in the next day or so. I will expect he will answer that questionnaire promptly, and then we will do what I said before the election, before we knew who was going to be the next President.

In fact, we thought it was going to be Secretary Clinton. When I say we, the country as a whole had that in their mind. There was no doubt about it. So I said before the election, as the one responsible for not having a hearing on the previous nominee, that, whoever was elected President, this process was going to move forward.

So we will have that hearing where Members can ask this nominee any questions they deem appropriate. We will vote on him in committee, and the full Senate will vote on his nomination. But given his exemplary record and the facts as we know them, I expect this nominee to be confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I am going to try to be very brief.

I am rising to return to the topic of the effort of the CRA to roll back transparency in the oil and gas industry, and I will speak briefly. I know my colleague from Arizona is here and wants to speak too.

The issue has been described. It is an SEC rule requiring energy companies to disclose the payments they make to foreign governments for natural resources. The reason is that many countries with abundant natural resources are run by dictators, and there has been a long history of payments by oil companies—American and others—to those dictators that don't get to the people and actually further the corruption of the country.

Just one example: An IMF report stated that in just 1 year, 1998, the Government of Equatorial Guinea received $130 million in oil revenue, and $96 million of that went directly into the personal bank account of the dictator, Teodoro Obiang. Meanwhile, hunger in that country is rampant, and that is what led to this.

I am on the Foreign Relations Committee. In preparation for our hearing on the nomination of Rex Tillerson, the former CEO of ExxonMobil, for Secretary of State, I read a wonderful report that was done by Senator Lugar when he was the ranking member of the Senate Foreign Relations Committee.

October 2008: Report to members of the Foreign Relations Committee from the ranking member. The title was ''The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts to Fight The Resource Curse.'' I read this. I read the book ''Private Empire,'' a recent history of ExxonMobil written by journalist Steve Coll, to prepare for my examination of Rex Tillerson for Secretary of State.

This particular report was the basis for the 2010 law that was described by Senator CARDIN, and it was sponsored in a bipartisan way. It didn't prohibit any company from doing anything. It only required companies that pay foreign governments to disclose those payments.

I voted yesterday against Rex Tillerson for Secretary of State because I believe a public official's duty—especially Secretary of State—has to be to the country. I was worried, based on three areas of his testimony, that Rex Tillerson could not set aside his loyalty to ExxonMobil.

He refused to answer questions that I asked him about ExxonMobil's knowledge of climate science, yet their efforts to convince the public that the science was not settled. He told me he wouldn't answer my questions.

He did not demonstrate to the committee's satisfaction, in my view, that he could be independent in Russia. For example, he said that ExxonMobil had not lobbied against sanctions against Russia, when we actually have the lobbying forms to suggest they had.

In both of those areas, I found his responses wanting, and I voted against him.

I will be honest. I asked him about the resource curse question, and today I kind of feel like I got snookered.

I said: There is a lot of concern about these countries that let resource wealth go to dictators and further corruption. What are you going to do about it, as the Secretary of State, working on development, for example, of some of these poor nations? And he talked about high-minded values and virtues of the things the United States could do that would battle corruption and increase transparency.

He didn't tell me that he had been personally involved in an effort to defeat the legislation that passed Congress in 2010. Now there is press out suggesting that is the case, and he didn't tell me that apparently there was an effort underway to undermine the transparency statute that was so important.

I have to put it on the record. Within 1 day—within 1 day of the Senate approving Mr. Tillerson for Secretary of State, the Trump administration has relaxed sanctions on Russia. That happened today. And now, apparently, we are going to vote to eliminate a law that requires transparency among companies like ExxonMobil.

I kind of feel like I got snookered at the hearing. What public interest is at stake in rolling this back? I don't think there is any.

Some say: Well, look, it is about leveling the playing field. The United States shouldn't be at a competitive disadvantage, but U.S. companies are at a disadvantage. Companies listed on the U.S. stock exchange—wherever they are from—are required to do this transparency, these disclosures, and many are already doing it. Because we have led, the European Union and Canada have said this is a great idea, and they are doing it too.

It would be a horrible thing if the United States pulled away from its leadership.

In conclusion, I am concerned that in the opening 2 weeks of the Trump administration—despite a lot of promises about what they would do in the economy—what has the administration done about the economy?

On day one, they entered an Executive order retracting an FHA mortgage reduction, thereby requiring homeowners with FHA loans to have to pay more for their monthly mortgages. They have done a Federal hiring ban that falls disproportionately on veterans because the Federal workforce is a veteran-heavy workforce. They have done the immigration rules that we have discussed which not only affect immigrants but have a dramatic negative effect on America's technology industry.

And then in the first two uses of the CRA procedure since the 1990s, they have eliminated a rule to allow more pollution of streams in poor areas where coal is produced, and now this—allowing companies to escape transparency and make the very kinds of payments that lead to corruption in foreign governments, corruption so severe that a former Republican Member of this body was compelled to write a superb report in 2008 and have bipartisan legislation passed.

I urge my colleagues to vote against the CRA repeal of this rule.

Mr. DURBIN. Mr. President, during my time in the Congress, I have had the privilege of visiting many other nations, often fragile or new democracies struggling to meet the needs of growing numbers of youth and emerging middle classes.

For example, many of the fastest growing economies are in the developing nations of Africa and Asia. In fact, a few years ago, the World Bank said Africa was on ''the brink of an economic take-off.''

Such economic gains should be welcome news for lifting millions out of poverty, providing better basic services such as education and health care, and improving the lives of women.

They are also opportunities to create more markets for our goods and services, to add to our global allies, and to reverse the conditions that lead to violent extremism.

But for those of us who have visited many such nations, we are also aware of a major impediment to realizing these improvements—namely effective and clean government.

You see, too often, endemic corruption—frequently around lucrative extractive oil and minerals—robs untold sums from generation after generation in many of these nations.

Just look at such oil rich nations as Angola, Venezuela, Nigeria, or Equatorial Guinea, where government after government squandered and stole the oil wealth from its own people, far too many of whom still live in terrible squalor.

Some of you may remember the devastating column Nicholas Kristof wrote in 2015, ''Deadliest Country for Kids.'' Here is how he describe Angola: ''This is a country laden with oil, diamonds, Porsche-driving millionaires and toddlers starving to death. . . . this well off but corrupt African nation is ranked No. 1 in the world in the rate at which children die before the age of five. . . . Under the corrupt and autocratic president, Jose Educardo dos Santos, who has ruled for 35 years, billons of dollars flow to a small elite—as kids starve.''

He continues: ''There are many ways for a leader to kill his people, and although dos Santos isn't committing genocide he is presiding over the systematic looting of his state and neglect of his people . . . Let 's hold dos Santos accountable and recognize that extreme corruption and negligence can be something close to a mass atrocity.''

In 2008, Republican Foreign Relations Committee staff, under then-Senator Richard Lugar, released a report on this scourge, ''The Petroleum and Poverty Paradox.''

The report from Lugar discussed the ''resource curse'' which is a ''phenomenon whereby large reserves of oil or other resources often negatively affect a country's economic growth, corruption level and stability.''

Why is this important? Let me quote from the report: ''This 'resource curse'

affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it dulls the effect of our foreign assistance, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability. . . . This report argues that transparency in revenues, expenditure and wealth management from extractive industries is crucial to defeating the resource curse.''

Wise words from a wise man.

And so, this report became the basis for a very thoughtful, bipartisan law that I was proud to support which tried to tackle this issue in a very commonsense manner.

It simply required that the SEC issue a rule requiring all oil, gas, and mineral companies listed on the U.S. Stock Exchange to disclose royalties, bonuses, fees, taxes, and other payments made to foreign governments as a transparency tool for fighting corruption.

The U.S. law became the catalyst for others: all 28 European Union member states have enacted similar legislation, followed by Norway and then Canada, who are key players in extractive industries—further establishing an international norm.

Moreover, a study conducted by business professors at George Washington University and Catholic University found that increased transparency resulting from disclosures required under the rule lowers the cost of capital for covered U.S. listed firms by up to $12.6 billion.

So claims that this is burdensome and will result in competitive harm to American firms are unfounded and simply untrue.

So here we are, 4 months since our intelligence services disclosed that a former KGB official led a cyber act of war on our Nation and democracy—and what is the priority of the Republican majority?

Establishing an independent commission to look into the Russian attack?

No.

Taking up bipartisan legislation to tighten sanctions on Russia for its attack on our Nation?

No.

In fact, not a single Republican has even come to the Senate floor to discuss these grave matters of national security.

Ronald Reagan, who understood the Russian mentality so well, must be turning in his grave to see this abdication by his party.

Instead, what is the majority party's priority?

Well, repealing health care from millions without an alternative—and, now, trying to strip this good governance anticorruption law—one led by a member of their own party and subject to years of debate and input—aimed at addressing corruption that robs so much from the world's poor—not exactly draining the swamp.

This isn't an onerous rule. It is simply a matter of disclosure, transparency, and good governance. It is hard to understand opposition to greater transparency.

As such, I will vote against his measure and I urge my colleagues, especially my Republican colleagues who have made helping the world's poor one of their endeavors to do the same, don't vote to put more money in the pockets of the world's worst autocrats at the expense of the world's most vulnerable.

Mr. UDALL. Mr. President, President Trump made bold claims about his intention to ''drain the swamp.'' But here we are, debating a measure that would do the exact opposite. The Senate is actually voting to kill an anticorruption regulation.

This regulation was the result of bipartisan effort led by Senator Dick Lugar. Senator Lugar was my mentor when I first joined the Senate. He helped me better understand the role and traditions of this body; and he showed me what it meant to be a statesmen.

Senator Lugar was one of the most thoughtful foreign policy experts to serve in the Senate. He chaired the Foreign Relations Committee, and he was deeply respected on both sides of the aisle.

He understood the ''resource curse.'' How developing countries with billions of dollars in oil, gas, or other valuable minerals often had the worst poverty, how the governments of these countries made deals with huge corporations to sell their resources, but the citizens of those countries never saw the benefits. Instead, corrupt leaders would enrich themselves, rather than use the funds to pay for healthcare, education, infrastructure, or housing.

Senator Lugar, with Senator CARDIN, developed legislation to address the resource curse, to bring transparency to an opaque system. The result was section 1504 of the Dodd-Frank Act. It directed the SEC to issue a rule requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the payments they make to foreign governments.

This allows the citizens of those countries to hold their leaders accountable. It shines a light on corruption. And when citizens can demand that this money is used for their benefit, it reduces their need for foreign aid.

Opponents of this rule claimed it would put American companies at a disadvantage. In fact, it made the U.S. a leader. Other countries followed suit and passed similar requirements.

The Cardin-Lugar rule became the global standard for transparency. Today, 80 percent of the world's largest publicly listed oil, gas and mining companies—including state-owned companies from Russia, China, and Brazil—are subject to disclosure rules.

This resolution of disapproval is just one of many misguided efforts by Republicans to use the Congressional Review Act to kill regulations that protect the most vulnerable.

The CRA was enacted in 1996 as part of the radical deregulatory and anticonsumer actions by shepherded by Newt Gingrich. Before now, the CRA has successfully been used to overturn only one rule.

There is a reason it has only been successfully used once. The CRA is a blunt weapon. It is a poorly written law that comes with unintended consequences. The CRA allows Congress to strike down a rule in its entirety with only an hour of floor debate in the House and without the ability to filibuster it in the Senate.

This flawed process can undo years of careful work by stakeholders and Federal agencies. Work done through an open, thoughtful rulemaking process. The Cardin-Lugar rule took years to finalize. Republicans want to kill it in a day.

And let's be clear—it does kill the regulation. Earlier today, Leader MCCONNELL mischaracterized this effort. He said, ''Let's send the SEC back to the drawing board to promote transparency.''

But that is not what the CRA does. It doesn't send the agency ''back to the drawing board.'' What it does do is prohibit the agency from issuing another regulation that is ''substantially the same,'' unless Congress specifically authorizes the agency to do so through subsequent legislation.

The courts have not yet determined how different a new regulation must be so that is not ''substantially the same.'' This discourages an agency from issuing a new similar regulation once a rule has been blocked.

This is not going back to the drawing board. This is going back to corruption.

Mr. VAN HOLLEN. Mr. President, with this resolution, the Senate majority is continuing its rush to overturn Obama administration consumer and investor protections, this time by targeting a bipartisan anticorruption measure.

In 2008, under the direction of Senator Richard Lugar, Republican staff of the Senate Foreign Relations Committee produced a report, ''The Petroleum and Poverty Paradox: Assessing U.S. and International Community Efforts to Fight the Resource Curse.'' They traveled to some of the most resource-rich countries in the world and explored how government corruption, fraud, and instability prevented those nations' people from benefitting from their oil, gas, and mineral reserves. Rather than spurring national economic development, benefits were concentrated among government and military elites and organized crime. According to the nonprofit research organization Global Financial Integrity, in 2012, developing countries ''lose roughly $1 trillion per year to crime, corruption, and tax evasion.''

The 2008 Foreign Relation Committee report led to the bipartisan Cardin-Lugar amendment to direct the Securities and Exchange Commission to require that all oil, gas, and mineral

companies listed on U.S. stock exchanges disclose their payments to foreign governments, including royalties, fees, taxes, and bonuses. Congress enacted the Cardin-Lugar amendment as section 1504 of the Dodd-Frank Act.

These transparency provisions are critical to combatting corruption in resource-rich nations. And these provisions are critical to protecting investors by ensuring that they have a clear picture of companies' interactions with foreign nations.

As the Foreign Relations Committee report noted: ''transparency in extractive industries abroad is in our interests because mineral wealth breeds corruption, which dulls the effects of U.S. foreign assistance; inequitable distribution of mineral revenues creates civil unrest, threatening political and energy instability and adding a price premium to commodities such as oil and gas; and energy rich countries can become emboldened militarily.''

The Cardin-Lugar amendment continued American leadership in anticorruption efforts, and has established a new global standard. Similar rules ale now in effect in Europe, Norway, and Canada and apply to 80 percent of the world's largest publicly listed oil, gas, and mining companies, including state-owned oil companies in Russia, China, and Brazil.

While many of the world's largest extractive businesses have expressed support for transparency, including BP, Shell, and Newmont Mining, the SEC rule has been strongly opposed by a narrow group, including ExxonMobil. I am concerned to see the Senate acting to repeal this rule and prohibit the SEC from ever establishing a similar anticorruption and investor-protection measure in the same week that it voted to confirm Rex Tillerson, former CEO of ExxonMobil, to be Secretary of State.

There is no logical reason to go against international norms and repeal a rule supported by much of the regulated industry, investors, and advocates for transparency and government reform in favor of a narrow opposition led by ExxonMobil. I urge my colleagues to reject this special-interest favor to ExxonMobil and maintain this important tool to fight corruption and protect investors.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. FLAKE pertaining to the introduction of S. 276 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, I want to speak for a couple of minutes about the Supreme Court.

A year ago, we lost one of the greatest legal minds to ever serve on the Nation's highest Court. For nearly three decades, Justice Antonin Scalia fought for individual liberty and defended the integrity of the Constitution.

No Justice in recent memory has so fundamentally influenced the trajectory of the Supreme Court. From his landmark decision that protected our Second Amendment right to bear arms to his staunch defense of limited government and enumerated powers, Justice Scalia stood as a bulwark against any erosion of our constitutional rights by an activist judiciary. He did this with his unshakable commitment to an originalist interpretation of the Constitution. Through this lens, he did not read words that were not there or infer intent that did not exist. Instead, Justice Scalia simply understood the Constitution, as the Founders understood it.

Judge Scalia's passing marked a watershed moment for the future of our country. Suddenly, in the midst of the last Presidential campaign, voters were empowered to determine the philosophical balance of the Supreme Court at the polls. By entrusting Republicans with the stewardship of our Federal Government, voters signaled their desire for change and for the values that our party embraces. From strong separation of powers to a commitment to federalism, to religious freedom, people in Arizona and around the country wanted to restore these foundational principles. Now, President Trump's nomination of Judge Neil Gorsuch to the Supreme Court will help usher in that change and solidify those values on the Court for a generation to come.

Earlier this week, I had the opportunity to attend the ceremony at the White House and listen to Judge Gorsuch accept his nomination. I was impressed by his humble respect for the law and for his commitment to service. I was particularly struck by his recognition that ''it is for Congress, not the courts, to write new laws'' and that a Justice should make decisions based on what the law demands, not the outcome that he or she desires.

I also appreciate his experience as an appellate court judge. This experience has given him a firm understanding of a properly functioning Federal circuit. As someone who has tried to reform an oversized and overworked Ninth Circuit, I really appreciate that insight.

Judge Gorsuch is an accomplished, mainstream jurist with a judicial philosophy worthy of Judge Scalia's seat. We can be confident that he will read the law as written and not attempt to legislate from the bench, but if we allow rigid partisan and ideological calculus to seep into our confirmation process, I fear that no President will ever be able to get a Cabinet or Supreme Court pick confirmed.

A favorite line of our former President is that ''elections have consequences.'' Indeed, they do. Like it or not, the winning party governs. That is democracy, and we have a responsibility now to govern.

My hope is a return to the longstanding traditions of bipartisan cooperation on this Supreme Court nomination. Judge Gorsuch is experienced. He is qualified, and he deserves a fair hearing. He deserves an up-or-down vote on the Senate floor. I am confident that when he receives that up-or-down vote, he will fill the vacancy on the Supreme Court.

I yield back.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, back on the topic of the evening: the Congressional Review Act action to overturn the SEC's rule.

I am just kind of at a loss for words. There are people back home asking how politics is going, and they have a certain set of assumptions about the way Congress works. They watch ''House of Cards.'' They watch movies about politics. They have watched other TV shows on Hulu and Netflix, whatever it may be. I submit to you that what we are doing right now is so corrupt, so grotesque, so obvious, so trite that it wouldn't even make the cut as a plot for a TV show about politics because who would believe that the Republican Congress, as one of their first acts, would pass a law prohibiting the implementation of a rule that requires oil companies to disclose what kind of foreign payments they are making for the privilege of extracting resources.

So what does that mean? You have oil companies that in order to extract resources in places like Africa and elsewhere—mostly poor countries around the globe—they have to cut a deal with whoever is in charge of the government in order to have access to that resource. Whether it is in Equatorial Guinea, Indonesia, Africa, Myanmar, or elsewhere, they cut a deal with the governing despot, usually. That money very often makes it directly into the pockets of the family of the people who run the country. This is what Senator CARDIN was elucidating, as was Senator LEAHY and the ranking member, Senator BROWN.

But this issue was new to me, and I came to the floor not as a member of the Senate Foreign Relations Committee but as a citizen. I can't believe we are doing this. This is one of the stinkiest pieces of legislation that I have seen in my now 5 years in the Senate and my 8 years in the Hawaii State Legislature, in my life in politics. I can't believe that we would have the gall to put a bill on the floor to prevent us from disclosing what kinds of foreign payments—that is a euphemism—are being made to despots and autocrats around the planet. These are American companies traded on the stock exchange, American companies making foreign payments, euphemistically, for the privilege of extracting primarily oil. Our ability as a country to be the world's lone superpower—as Madeleine Albright called us, ''the indispensable nation,''—to be the superior country when it comes to money, morals, and might is now in question. Everywhere you look, it seems like America is ceding global leadership.

China is set to outshine the United States on climate change policy—

China. Germany's Prime Minister is explaining international conventions on refugees to the President of the United States. We have insulted some of our closest allies in the fight against ISIS with a Muslim ban.

Now we are alienating ourselves from Australia, a country that has stood with the United States in every major conflict since the beginning of the 20th century. It is hard work to offend Australia. You have to go out of your way in a phone call between the United States and Australia to have it go sideways.

So the world is asking if the United States will still lead in the fight against ISIS. The world is asking if the United States will still keep its word, and they are asking if the United States is still the moral leader for the world.

I think everyone in the Congress would agree that the answers to these questions should be a resounding yes, but somehow one of the first orders of business in this Republican Congress is not a bill that demonstrates American leadership but one that concedes it, because that is exactly what we would do if we overturn the Cardin-Lugar amendment.

If we diminish our moral compass, the rest of the world stops looking at the United States as the leader among nations. The law we are voting to repeal set a new international standard in the fight against corruption. It requires oil and mining companies that are listed on the U.S. Stock Exchange to report any payments they may make to foreign governments. The idea is that the companies won't bribe dictators in mineral rich countries because they know they will have to disclose the payments.

After the United States passed this law in 2010, some 30 countries followed our lead, but we never got to implementing it. So today, more than one-third of the world's oil and gas companies have strong legal incentives to do business the right way. If Republicans get rid of this disclosure requirement, it will be bad for American consumers.

In 2004, a Senate subcommittee uncovered that oil companies, including ExxonMobil, have paid hundreds of millions of dollars to the President of Equatorial Guinea, which is an oil-rich country in Africa. That money didn't go to the businesses and citizens. It went directly into the pockets of the President who has been called Africa's nastiest dictator. Instead of buying food or roads for people—by the way, most people who live there live on less than $1 a day—the President and his family bought real estate in Paris, luxury cars and life-sized statues—plural—of Michael Jackson.

Getting rid of this amendment will also be bad for national security. Senator Lugar is one of the Republican Party's most distinguished foreign policy voices and the former chairman of the Foreign Relations Committee. He understood the risk. He understood how corruption fuels insecurity, poverty, and oppression in other countries and how that can contribute to the condition that breeds violent extremism. That is why he fought for the level of transparency required by this rule and to make it harder for dictators to steal from their own citizens. That means that getting rid of the Cardin-Lugar amendment is also bad for investors. If a company is operating in a risky, corrupt, unstable country, investors have the right to know. If a company is perhaps even adding to the region's insecurity, investors have a right to know that too. But that right is now in jeopardy.

The way Republicans are going about this, we won't be able to revisit this once it is all said and done. This is an important point. I said it last night on the stream protection rule, and I think it bears repeating. If you do a CRA action—we are now on the third in American history, and the second was yesterday. The first was sometime in the eighties, about ergonomics. The reason this never gets done is because, when you overturn a regulation using the Congressional Review Act, it is an incredibly blunt instrument. What happens under law is that the rule can't be promulgated again. You can't tweak this thing.

As to the concerns that were expressed by some of the Members on the Republican side about the modifications they would like, if we want to legislate, let's legislate. But what they are going to do is overturn this rule and the Securities and Exchange Commission from doing anything ''substantially similar'' ever again. Everybody who understands the CRA under the law understands that, basically, we can't touch this topic again. So this isn't about fixing a reg or being a check on runaway bureaucrats. These so-called bureaucrats, these civil servants in the Securities and Exchange Commission, had a statute. They were told to do something. Now, they took forever to do it, but that is not running away and going rogue. That is going a little slow, I will grant you, but they did the right thing pursuant to the law.

Now—I don't know why, but I have my suspicions; I don't know why, but I have my suspicions—we are overturning both a rule and a law that requires the disclosure of payments to foreign governments made primarily by oil companies. It is one of the most awful things I have seen done in the Congress—not just when I have been here but as I have observed it over the last 20 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate my colleague from Hawaii, both on the substance of the issue and on the Congressional Review Act and how it is an unsuitable tool in a situation like this because of how it bars the door for a simple way to replace or modify a regulation.

I am coming to the floor tonight to share my concerns about a basic challenge we have in the world. This basic challenge is that when you get a ruler of a country who is corrupt, they forge contractual relationships, particularly if they are rich in minerals or oil, and they pocket the money and they spread the corruption. It makes it virtually impossible for the interests of the people of that country to be represented by their government because whatever governing body they have keeps making decisions based on those corrupt payments.

Now, we are a nation that values government by the people—of, by, and for the people. That is the vision of our Nation, but that vision would not be fulfilled if the Members of this body were being paid by foreign companies to serve the interests of the foreign companies instead of the interests of the people. We can understand from our own perspective our own desire to have a government that serves our citizens and that other nations want to have a government that serves their citizens. That is what this particular bill and the regulation that flows from it were all about. It was section 504 of Dodd-Frank, the resource extraction rule, that was passed now 7 years ago.

It took quite a while to get the regulation into place. The first version came out in 2012, after a tremendous amount of consultation was struck down in court because it was challenged by one of the companies that did not want to have transparency in international payments. Then folks went to work again and produced a rule that went into effect this last year. Unfortunately, we are about to strike that down.

I was thinking about how one of the champions for this was Senator Dick Lugar of Indiana. I was so impressed by his thoughtfulness when I came to the Senate. He had been here quite a while, and he worked to really understand issues, and he worked to solve problems. He didn't work to obstruct an administration because it was of a different party. He didn't work to sabotage the work of this body because one party or the other was in the majority. He worked to solve problems. He had really a deep understanding of the challenges in the world.

He could see this from his considerable experience. He was on foreign relations for a very long time, and he served as its chair. He knew from his own work in that committee, from his own studies, from his own travels, and his own conversations—overseas conversations with foreign governments and conversations with our State Department and our Defense Department—that we had a significant issue in which contracts with large companies are used to defeat government of, by, and for the people in nations around the world. He wanted to do something about it. He had partnerships, and Members of our own body who are still serving here today were deeply involved in this.

It was a tremendous provision, but the American Petroleum Institute wasn't happy about it because it has worked really well for oil companies to not disclose and to make deals with ruling dictators and ruling families or ruling governing groups, whether they be in a so-called elected form or unelected form.

Well, finally, last year the rule was completed in June. They crafted a rule that, for the most part, made various stakeholders happy and it won broad international support. Dozens of other countries—including Canada, Norway, and countries of the European Union—followed American leadership. They adopted similar laws. So our particular law made it clear that if a company was listed on our stock exchange—on any of our exchanges—and it made a significant payment—$100,000 or more—it had to disclose that payment. That wasn't just U.S. companies. It wouldn't just have been U.S. companies. It was any company listed on our exchange, no matter where it was based. Other companies followed suit. So companies based in other countries were affected. So, basically, it was a vision that in short order took over the entire world, with developed countries coming together and saying that we are going to stop this process that destroys governments for the people in so much of the world.

It isn't just kind of a theoretical question of some liberal vision of how governments work. We are talking about the difference between the decisions of dictators to stash billions of dollars overseas or build health care clinics. We are talking about the difference between dictators buying hundreds of the world's most expensive sports cars or developing an education system in their countries. We are talking about the fundamental quality of life for millions and millions of people around the world. This provision, this resource extraction rule, went in an enormous direction in terms of making the world a better place. Shouldn't that be what we are about?

This challenge of foreign contracts with money diverted into the pockets of the dictators and the ruling class—the money that should go to the development of the country—is particularly a problem in resource rich countries with weak institutions. They have weak courts. They have weak investigative branches to find corruption. They have courts that essentially exorcise the ability to try people for which there is evidence, who should be charged and should be convicted. So the same corruption that affects the decisions that are made protects those who make those decisions. This means that if you have someone who grows up in this country and says: We have hundreds of billions of dollars of resources and nothing to show for it; so let's change that system; let's change that system and enable the people of this country to benefit from schools and health care and transportation; let's develop our nation, they are stymied by this complex web of undisclosed corruption. So that is what this bill is all about, and that is what this rule stemming from the section of the bill is all about.

Let's take, for example, a poster child for this resource curse. In many countries, it is known as the oil curse. Oil is a particularly prominent case. But the Democratic Republic of the Congo has not just some oil but a lot of minerals. It is a significant producer of the world's cobalt, diamonds, tin, gold, and other minerals. This problem of a corrupt dictator goes way back to decades ago. His name was well known around the world: Mobutu Sese Seko. He ruled from 1965 to 1997, so 32 years, three decades. It is estimated that he diverted from the country $4 billion to $15 billion. That is a lot of roads being built in a poor country. That is a lot of food for people who are near starvation. That is a lot of public school education. That is a lot of health care clinics. So one very rich man was stashing money in Swiss bank accounts rather than that money going to the government to do fundamental responsibilities for the people. The country has an estimated $24 trillion in mineral deposits. When we think about that, the $4 billion to $15 billion doesn't sound like very much.

Often, the way it works is these corrupt payments enable companies to get contracts far below cost, which is not a good thing, obviously, for these impoverished nations, to be essentially giving away their money because they are being bribed to do so.

So that is extremely disturbing to me, this particular issue being done here late in the evening, with very few of my colleagues here—mostly colleagues who are trying to fight this rule. Those who are supporting the multilateral corporations, the multinational corporations that don't like to have disclosure, they are not here to talk about how this is damaging the lives of millions of people in the poorest countries around the world. Maybe we need to have a rule in the Senate that if you are going to damage the lives of millions of people, you have to actually be here to hear the debate.

This debate is limited to just 10 hours, 5 hours on either side. If one side gives back their time, it is just 5 hours. There are not a whole lot of conversations. Maybe we could limit the conversation to 20 minutes a person or 10 minutes a person so we get a lot of voices in.

Before we go about the process of destroying the lives of millions of people all around the world, maybe, instead of just listening to the lobbyists for a multinational bank in your office, you should be here on the floor to have a conversation about the damage you are contemplating doing. Maybe then we would have an actual debate here in the U.S. Senate—a place that used to be a place where people did come and listen to each other debate issues. Perhaps there are good arguments to the contrary that I haven't heard because my colleagues aren't here presenting them. And maybe out of that mutual exchange, we would find a path to do something other than using this crude and destructive tool to strike down this very important provision.

There are three groups who benefit from this disclosure rule. The first group who benefits is the investors in a company who want to invest in companies that have responsible practices. The disclosure gives them the ability to have that information.

The second group who benefits is consumers who want to buy products from companies that engage in responsible practices, and disclosure enables them to do that.

The third group, though, really is the most important group, and that is a group of citizens in the country who are being corrupted by these payments because when they hear that a company has a contract and has paid X amount of billion dollars for that contract, then the newspapers of that country and the citizens of that country can try to get additional information: Did you take the percentage of that that was supposed to go to the regional government and actually get it disbursed to the regional government? Did you take the percentage of that that was supposed to go to the local city or province and did it get there? They can start to see that there is this lump of money that is supposed to be serving the citizens, and they can ask questions about how it serves the citizens. What bank account did it go into—so they can follow the money and track the money. But they have no ability to do that if these payments are hidden. That is what this is about.

So it is about investors who want to do the right thing, consumers who want to use their marketing and purchasing power to do the right thing, but it is really about the citizens of that country not having their resources diverted when they desperately need the fundamental things, such as transportation and education and health care.

Well, Senator Lugar said recently that if we allow this rule to be repealed, it would be ''a real tragedy for democracy and human rights.''

I agreed with Senator Lugar when he said, ''It is hard to believe that this would be such a high priority right now.'' We have a lot of issues in the world that we are challenged by, including security issues. We have a lot of nominations to address and debate. Why is it such a high priority at this moment to tear down a provision that improves the quality of life for millions of people in some of the poorest countries in the world? Why is it so important at this moment to tear down a law that reduces corruption in governments around the world? Why is it so important right now to destroy this provision that helps create an opportunity for ''we the people,'' a government that we profess to believe in?

It is well known that the CEO of ExxonMobil traveled to Washington to personally lobby Senator Lugar on this section. He wanted this provision scrapped, and that individual is now our Secretary of State. That certainly disturbs me, that the day after he became Secretary of State, the provision he lobbied for as an oil executive is being accomplished here on the floor.

Because of his testimony in committee, there was some hope that he would stand up and fight for the fundamental visions of our country, the fundamental values and principles of our country, and if so, he would be sending out information right now saying: Stop what you are doing because I know how this works around the world and how it destroys ''we the people'' governments, and we shouldn't be doing it; that is, we should keep the provision we have right now.

Nigeria is another nation that has had a resource curse or oil curse. Last year, a deal was struck between ExxonMobil and the Nigerian Government—or it came under investigation last year by that country's anti-corruption and law enforcement agency, the Economic and Financial Crimes Commission. The investigation surrounds a 2009 agreement where an Exxon subsidiary and the Nigerian Government agreed to renew a 40-percent share in three new oil licenses. Exxon reached a deal to pay $600 million for those licenses, and it built a powerplant at a cost of $900 million, so it made a $1.5 billion investment. So a $1.5 billion investment—that sounds like a pretty high sum for a contract.

However, an outside group who was investigating corruption found that the Nigerian Government had valued those contracts at $2.15 billion—in other words, $1 billion more than what Exxon was paying. Furthermore, they found that wasn't just in theory because another bidder offered $3.75 billion, and that is more than twice what Exxon paid. But the Exxon deal was chosen.

Isn't there some sense that something is wrong when a government rejects a payment that is $2.25 billion more than the offer that was accepted? That is what happens with corrupt payments between powerful companies and dictators. That is what destroys government of, by, and for the people around the world.

It is estimated that over time—that is, since 1960, so after the last 57 years—$400 billion of Nigerian oil revenues have disappeared due to corruption—$400 billion disappeared. What would $400 billion do to improve the lives of Nigerians?

That is why transparency in these payments is so important. It affects impoverished people all over the world. We can have all of our aid programs, we can have our Food for Peace Program, we can have our Millennium Corporation, but this type of deal does so much more damage than all the good we do through our programs that we budget for and put money into.

If we enable, if we promote corruption around the world, we do enormous damage. That is why a bipartisan group of Senators, including Dick Lugar leading it, took this on.

How about Equatorial Guinea. It is one of Sub-Saharan Africa's largest oil producers, and it, like many other oil countries, has the oil curse. President Obiang has been in power since he ousted his uncle in a military coup in 1979 and declared himself President for life. Let's just say what he is: He is a dictator. His government has been known to detain arbitrarily and torture critics, to disregard elections. It has been prosecuted for using oil profits for financial gain of the President's family. The result is, although this country is one of the wealthiest African nations per capita, the majority of the Nation's citizens survive on less than $2 a day. Let me clarify that. It is one of the richest African nations per capita, but a large percent of the citizens survive on less than $2 a day because President Obiang and his extended network—his extended corrupt network—are stealing the resources of the country, and they are doing it often through contracts with oil companies like Exxon, which happens to be a major partner in exploiting the resources of Equatorial Guinea.

Less than half of Equatorial Guinea has access to clean drinking water, a fundamental need and a fundamental factor in health. Twenty percent—that is one out of every five children—die before reaching the age of 5. This is because of the corruption that is facilitated by undisclosed sums, reinforcing a dictator—a dictator whose family owns fleets of fancy sports cars, luxury yachts, private jets, massive properties in Europe, massive properties in Brazil, and properties right here in the United States. But one-fifth of the children die before age 5. That is why this is so important.

Let me conclude by saying that what we are doing here tonight in putting this forward with no real debate because my colleagues are not here—a few colleagues are here to give speeches like I am giving to say ''Stop, this is wrong,'' but our colleagues are not here to hear us. What is happening tonight is an enormous travesty. It is an enormous blight on the United States, which led the world in taking on this problem and now is abandoning not just that leadership but is abandoning the principle. The world is worse off for it.

I hope that my colleagues will somehow come to an inspiration or a revelation, that those who are not here listening to this will come to an understanding that something is wrong with this and will oppose this effort to repeal this very important provision. But I know that the heavy hand of corporate lobbying is behind the fact that this is on the floor tonight, and I am not optimistic. That saddens me a great deal.

Let us strive to have a process that honors the importance of the issues before us. This short debate, with virtually no one present, does not honor it and does enormous damage, and it is just wrong.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, for the first time in more than a decade, the Republican Party controls the House, the Senate, and the White House. This week they are starting to roll out their legislative agenda.

So now that they have complete control of the agenda, what do the Republicans have in store? Something to bump up wages for working families or something to create more jobs? Something to tackle the student debt crisis? Maybe something to deal with all the jobs that get shipped overseas? No, one of the Republican Party's first orders of business is a giveaway to ExxonMobil that will help corrupt and repressive foreign regimes and make it easier to funnel money to terrorists around the world.

Here is the problem. Big corporations like Exxon—or other oil, gas, and mining companies—often pay millions of dollars to foreign governments to access natural resources located in these countries. Many of these foreign regimes are corrupt, and Exxon's massive payouts regularly end up in the pockets of government officials rather than in the hands of the people. These corrupt officials get filthy rich while their citizens face punishing poverty and dangerous working conditions. Worse still, some of these undisclosed payments can end up financing terrorists.

Just over 6 years ago, Congress passed a bipartisan provision to help tackle this problem. With the strong support of Senator Dick Lugar, the leading Republican on the Senate Foreign Relations Committee, Congress required oil, gas, and mining companies to disclose any payments they make to governments to extract natural resources. Republicans and Democrats agreed that shining a light on these payments would help combat corruption and terrorism around the globe and help citizens in some of the very poorest nations in the world hold their own governments accountable.

Disclosing these foreign payments also helps investors right here in the United States so they can make more informed investment decisions. Some investors may want to stay away from companies that could face expensive lawsuits for violating the Foreign Corrupt Practices Act or other anti-corruption laws. Other investors, quite frankly, may just prefer not to invest in companies that could be helping prop up corrupt foreign governments or indirectly financing terrorism.

Congress directed the Securities and Exchange Commission to write the rule, and the SEC spent years soliciting input from investors, from human rights advocates, from anti-corruption experts, and from oil, gas, and mining companies. The agency ultimately issued a ruling last year, and it

worked. The rule gained the support of faith groups, human rights groups, development organizations, and anti-corruption advocates all around the world. The rule also earned the support of investors who collectively controlled more than $10 trillion in assets, and—we should really be proud—it set an international standard, with the European Union, Canada, and other countries adopting similar standards for companies in their own countries.

But it didn't go down well with everyone. A handful of powerful oil and gas companies have been after this requirement from the start, and Exxon has been leading the pack on this. In fact, Rex Tillerson, the CEO of Exxon at the time, personally lobbied against the requirement back in 2010. His reason? What was his objection? The foreign payments rule would undermine Exxon's ability to do business in Russia. Listen to that again. If Exxon has to tell the world about the millions of dollars it hands over to the Russian Government, Exxon wouldn't be able to do as much business in Russia. So now the Republican Congress wants to rush in to help out poor Exxon so they can keep the secret money flowing to these Russian officials.

This Exxon giveaway shows just how bankrupt the Republican agenda is. They don't have any ideas for helping working families. It is just one corporate giveaway after another—making their big business donors happy and keeping the campaign contributions flowing for the next election. But the economic lives of our working families, our moral leadership in the world, the safety of our financial system, and the water we drink and the air we breathe—all of those—are just afterthoughts to the corporate wish list.

If you are a corrupt foreign dictator, Republicans rolling back the rules is great for you. If you are an oil company executive, Republicans rolling back the rules is great for you. But if you are anyone else, you should be outraged that the Republican Congress is so willing to throw you under the bus to please these groups.

I urge all of my colleagues to vote against this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEROIN AND PRESCRIPTION DRUG ABUSE EPIDEMIC

Mr. PORTMAN. Mr. President, I rise tonight to talk about a problem that is affecting every single one of the States represented in this Chamber and every one of our communities. It is one that folks back home are, unfortunately, experiencing and, frankly, we don't talk enough about this in Washington. It is this epidemic of heroin and prescription drug abuse.

How bad is it? We just learned very recently that for the first time in 23 years, life expectancy in the United States has gone down, and there is no question that the surge in heroin and prescription drug addiction is one of the reasons. In fact, the demographic that saw the biggest drop in life expectancy was among middle-aged White women—the very group that has been hardest hit by the heroin and prescription drug epidemic in overdoses and overdose deaths. Unbelievably, this epidemic is actually driving down life expectancy in our great country.

It has been pretty dramatic. The number of heroin users in the United States has tripled since 2007, and the number of heroin overdoses has tripled just since 2012. It has gotten to the point where we are now losing one American life about every 12 minutes to this epidemic. So during this talk today, which will be about 12 minutes, we expect another American to die of a heroin overdose.

Congress has begun to act, and I applaud the House and the Senate for that. We have acted over the last year to do a couple things. One is that, in the appropriations bill that passed at the end of last year, we put more money aside for treatment. So States are now receiving grants—$500 million this year, $500 million next year. These grants are needed. It is going to the hardest hit States. It is going to States based on their need, which I think is very important, because some States are hit harder than others. My colleague from Ohio is here on the floor, and he has been very involved in this issue as well. My State has been one of those States hardest hit. Some think that Ohio now has the highest number of overdoses when we add prescription drugs, heroin, and synthetic heroin, like fentanyl.

Second, last summer Congress took what I think is the biggest step we have taken in decades in terms of fighting this issue when we passed the Comprehensive Addiction and Recovery Act. The President signed it into law. It is already helping with regard to providing more prevention efforts, treatment, and long-term recovery. It is also helping our law enforcement and other first responders to be able to handle this growing crisis.

We fully funded this Comprehensive Addiction and Recovery Act—also called CARA—this year, and now we need to ensure that the new administration that has just come in continues to effectively implement this program as quickly as possible.

Just in the last few weeks, three of CARA's grant programs got up and running. One is funding for drug courts. Those who are involved with drug courts back home already know this, but it is a very effective way to take those who are in the criminal justice system because of a drug issue—prescription drug and heroin issues in particular—and get them into a diversion program where they can get treatment, with the risk of going back to incarceration if they do not stay clean. This is really working well in some of our communities in Ohio. They are also using interesting new techniques, including a medication called VIVITROL, to keep people off of their addiction.

Second, we have just put in place for the first time ever programs for recovery support services. Again, in this legislation, CARA, we funded long-term recovery. So it is not just a detox center, not just a treatment center that might be short term, which they usually are, but longer term recovery, including getting people into sober housing, providing them with people who will support them and encourage them. That, we have found out, keeps people from relapsing and is incredibly powerful.

Third, there has been a grant to empower States and local governments to help fight this epidemic.

This is all-important. It is real progress. But our work is far from done. In fact, there are five more CARA grant programs yet to be implemented.

Again, I call on the new administration to do so urgently. I know they are focused on this issue. We just need to get these programs up and going to help our communities right now.

Near my hometown of Cincinnati, OH, the Winemiller family of Wayne Township had a pretty tough Christmas. They were missing a son and a daughter because of heroin. Over Easter weekend last year, Roger Winemiller found his daughter Heather dead of a heroin overdose in their bathroom. She left behind an 8-year-old son. Then, just 5 days before Christmas, Heather's brother Gene—a father of three children under 18—died of a heroin overdose. Gene started abusing painkillers when he was in his early twenties. He became addicted, and when the pills were too expensive, he switched to heroin, which is cheaper and, really, more accessible.

Unfortunately, this is a fairly common story in my home State and around the country. We are told this is how four out of five heroin addicts in the United States started on heroin—prescription drugs.

Heather and Gene both got clean several times. Heather was clean for 3 years before she relapsed and died. These were vibrant people; they loved life. Heather loved gardening, and she was a huge Ohio State Buckeyes fan. Gene loved rock music, hunting, and fishing. But they both made the tragic mistake of trying these drugs, and it changed their lives forever.

Gene Winemiller's funeral took place at Blanchester Church of Christ in Blanchester, OH. I know Blanchester, OH, pretty well. It is a small community of about 4,000 people. The very next day, there was another funeral in that same church in this small town of 4,000 people for a heroin overdose. As Gene's dad Roger puts it, ''I can't emphasize enough: No one—no one—is immune from this epidemic.''

Unfortunately, he is right. It knows no zip code. It is in the rural areas. It is in the suburban areas. It is certainly in our inner cities. It is everywhere.

Take Cleveland, in Northeast Ohio, for example. Cleveland medical examiner Thomas Gilson said that ''2016 was an unprecedented year.'' The number of overdoses in Cleveland doubled in 2016 compared to 2015—doubled. Overdoses are happening all over the Cleveland area. More than 150 heroin overdose deaths happened in the city and another 150 happened in the suburbs, kind of evenly split. It is everybody, every group, every age group—African American, White, Hispanic.

Take Dayton, OH, in Southwest Ohio, as another example. In Dayton last year, there were more than 2,500 overdoses, about 7 a day. About half of the victims were men, and about half were women—some in the cities and some in the suburbs, with 60 percent in their thirties and forties and 40 percent who were either younger or older than that. So this is happening all over our State and all over our country—in cities, suburbs, inner cities, and rural areas and to rich and poor, old and young alike.

In 2015, Ohio statewide experienced a record 3,050 drug overdose deaths, which is a 20-percent increase from 2014, and more than quadruple the number of overdose deaths in 2000. In 2015, we lost an Ohioan every 3 hours to this epidemic. Sadly, the toll was even higher in 2016. We don't have the final numbers yet.

One of Ohio's economic assets, of course, is our location. We are centrally located. It is great for transportation. They say half of America's consumers are within 1 day's drive from Cincinnati, Cleveland, and Columbus. Unfortunately, that central location also makes us very vulnerable to drug traffickers.

Last year, Ohio State troopers confiscated nearly 160 pounds of heroin. Depending on the potency, that could be equivalent to more than $50 million—or more than 180,000 injections—of heroin. That is nearly triple the amount of heroin seized the year before. The Ohio State Highway Patrol also confiscated a record-level number of illegal painkillers and methamphetamines last year.

We have to thank our law enforcement officers because they are saving lives every day by keeping this poison out of our communities, certainly, but also helping to reverse the overdoses with this miracle drug called naloxone or Narcan. In 2015, the last year we have numbers for, Narcan was administered 16,000 times. Think about that: 16,000 people were saved who could have died of an overdose, thanks to our first responders and their professionalism. We don't have numbers yet for 2016, but, again, it is going to be, unfortunately, far higher than that.

The Washington Post recently published a report on the heroin epidemic in Chillicothe, OH, where there were more than 300 overdoses last year, and where a single police officer, Officer Ben Rhodes, says that he used naloxone to reverse an overdose more than 50 times. One church in Chillicothe, Zion Baptist Church, recently had funerals for three overdose victims in 1 week. I know Chillicothe. It is a small town of about 21,000 people.

Heroin and prescription drug painkillers are flooding our communities to meet a rise in demand. CARA, this legislation I talked about, will reduce that demand by increasing access to treatment for those who need it and preventing new addictions from starting in the first place through better prevention and education efforts.

After CARA became law, I introduced bipartisan legislation to take another step. This is called the Synthetics Trafficking and Overdose Prevention Act, or the STOP Act. Again, it builds on CARA because it helps reduce the supply of drugs coming into our communities.

Some of the deadliest drugs coming into Ohio are synthetics—drugs such as fentanyl, carfentanil, or U4, essentially synthetic heroin that is made in a laboratory somewhere. Guess where these drugs are coming from: overseas. Boy, they are incredibly powerful. Fentanyl can be more than 50 or even 100 times as powerful as heroin. According to the Drug Enforcement Agency, it takes about 2 milligrams to kill you. Carfentanil is even more powerful than that—up to 10,000 times as powerful as morphine. It is so powerful that it is used primarily as a tranquilizer for large animals like elephants.

Heroin bought on the street today in Ohio and elsewhere is often laced with these drugs to make it more potent. Roger Winemiller, the Dad I talked about a few moments ago who lost his two kids, compares buying heroin to playing Russian roulette because you never know the potency of the drug that you are buying. Many of these spates of overdoses in our urban areas in Ohio are because of the mix with fentanyl and carfentanil.

These fentanyl deaths in Ohio have increased nearly fivefold in the last 3 years. Three years ago we had about 1 in every 20 overdoses in Ohio because of fentanyl. Now it is one in five. We expect it soon to be one in three. You can see where this is going.

I talked a minute ago about the trafficking of drugs on our interstate highways. That is a serious problem, but so is the problem of traffickers shipping these drugs through our mail system to our communities to meet this growing demand.

Just yesterday the U.S.-China Commission released a report about the trafficking of Chinese fentanyl into this country. The report says:

> The majority of fentanyl products found in the United States originate in China. . . . Chinese law enforcement officials have struggled to adequately regulate the thousands of chemical and pharmaceutical facilities [laboratories] operating legally and illegally in the country, leading to increased production and export of illicit chemicals and drugs. Chinese chemical exporters . . . covertly ship drugs to the Western hemisphere.

That is from a report just yesterday. Right now these drugs are difficult to detect before it is too late. Part of the reason is that, unlike private carriers such as UPS or FedEx, the Postal Service does not require information about packages. If you are a private carrier, you have to have electric customs data for packages coming into the country, saying where it is from, what is in it, where it is going. This means the U.S. Postal Service is a more attractive way for traffickers to get these dangerous drugs like fentanyl or carfentanil into our country. It shouldn't be this way. It doesn't have to be this way.

The STOP Act would close that loophole and make the Postal Service require advanced electronic data. Where is it coming from? What is in it? Where is it going? That information on these packages before they cross our borders would be incredibly helpful. It is common sense. It would help stop these dangerous synthetic drugs from being trafficked into the United States, and it would save lives. That is what our law enforcement officials are telling us.

I know the scope of this epidemic is daunting. It is in your State of Indiana. It is in my State of Ohio. Its consequences are hard to even think about because it is about the overdose deaths, but it is far more than that. It is about people not being able to live out their dream. It is about higher costs for law enforcement. It is about crime. It is about our workforce and people not being able to go to work and not being able to find workers who are drug free. It is about so much that affects our communities.

Yet there is hope. We have to work here in Congress to continue to promote legislation and policies that will help us to achieve the dream of turning this tide around. The STOP Act that I talked about is going to help keep some of that poison out of our communities and increase the cost of heroin. That is good.

These synthetic heroin increases are really concerning. Treatment is incredibly important, and it can work. I have met so many people across Ohio who have beaten their addiction—people who are now back on their feet, back with their kids, back with their families. It is hard, but with treatment and a supportive environment, particularly this longer term recovery, it can be done.

Last year I met with Aaron Marks in Columbus, OH, at a conference held by the Ohio Association of County Behavioral Health Authorities. Aaron is from Cleveland, a suburb called Beachwood. He began using prescription painkillers as a freshman at Beachwood High School. He was just 13 years old.

Again, it is a story that is all too common. Often because of an accident or injury, people start using these pain pills.

He was smart, had good grades. He got into the University of Cincinnati, a great school. One day at UC he ran out

of pills. A fellow student who was living in the same dorm room offered him something else. He said: It is cheaper; it is called heroin.

He tried it. Soon, he had sold virtually everything he owned to buy more. Finally, with the help of Glenbeigh treatment center in Cleveland, OH, Aaron got clean and has stayed that way for more than a decade. Aaron is now a successful manager of business development at American Express.

We can have a lot more success stories like Aaron's if we all engage—all of us. Washington, DC, is not going to solve this problem. It will be solved in our communities. It is going to be solved in our families. It is going to be solved in our hearts.

Washington, DC, can play a more constructive role. In passing this legislation, it makes sense to give people the tools they need to be able to fight this scourge. The role is put the right policies in place, like the STOP Act, like fully funding treatment, like fully funding CARA in the coming months. We can then bring down the demand for these dangerous drugs, and we can keep these poisons from coming into our communities and build on the progress that Congress has made over the past year. Let's not let up until we finally turn the tide of this epidemic and begin to save lives.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to begin by complimenting my colleague, the Senator from Ohio, Mr. PORTMAN. He has been the leader in the U.S. Senate on addressing this issue that literally is impacting every single one of our States—whether it is Ohio or Alaska or Indiana where the Presiding Officer is from—and it is a killer.

The opioid epidemic that is happening is something we all have to work together on, but we have hope, as Senator PORTMAN said. I believe we have hope because of communities, because of brave Americans like those he is talking about.

We also have hope because of guys like ROB PORTMAN, and we would be a lot less further along in this country in turning around this epidemic and highlighting it for Americans if it weren't for him. I really want to commend my colleague from Ohio. He has done such a great job and is so passionate about this issue.

TRIBUTE TO ANDREW KURKA

Mr. President, in the last few weeks I have come to the floor to recognize an exceptional Alaskan—someone who spends time giving back to our community by sharing their time and talents up north. There are thousands of these people, of course, in my great State, and I would love to recognize every single one of them. They do so much for all of us.

We Senators are not humble about our States. I certainly believe my State is the most beautiful place in America. It is probably the most beautiful place in the world. I ask anyone who is watching to come visit us, you will love it—guaranteed.

It is the people that make my State so special—kind, generous people, full of rugged determination, full of patriotism, full of compassion. Many of them are willing to go the extra mile, literally, in some of the most difficult terrain and extreme conditions of the world to help friends and neighbors and use their strength and skills to inspire us all.

I wish to tell you a little bit about Andrew Kurka, an extraordinary Alaskan from Palmer, which is a beautiful community about 45 miles outside of Anchorage. In his younger years, Andrew was a wrestler. He put his heart into it. For his efforts, he was very successful. He was a six-time Alaska State champion in freestyle and Greco-Roman wrestling.

When he was 13, he suffered a spinal cord injury in a four-wheeler accident. His physical therapist urged him to keep going, to keep trying, to stay active, and actually paid for his first skiing lesson with a group called Challenge Alaska, a nonprofit Paralympic sports club.

According to an article in the Alaska Dispatch News, Andrew is ''willing to give just about anything a try—bodybuilding, water-skiing, ultra-marathon, handcycling.'' He even raced in the Arctic Man ski and snow machine race in Alaska—a race that is not for the faint of heart. It is one tough race.

It is in sit skiing where he truly excels. He has been a longtime member of the U.S. Paralympic team and has won numerous medals. Just last month, he won three medals, including the Gold for the men's downhill race at the World Para Alpine Championships in Italy—the Gold for the whole world.

His accomplishments are amazing enough, but his willingness to serve and be a role model for others is what makes him a true Alaska treasure. He is involved in numerous organizations for great causes, and he travels all across Alaska and the country, visiting with children with medical problems and urging them to dream big the way he has.

''I have spent my life hoping to be an example to others,'' Andrew said. ''Having the chance and being put in a position where I can make a difference means the world to me.'' That is Andrew.

For his determination against all odds, for his accomplishments, for his compassion, and for making the United States and Alaska proud last month in Italy at the World Para Alpine Championships, Andrew Kurka is this week's Alaskan of the Week.

Congratulations, Andrew, from all of your supporters. You are a great inspiration to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

OPIOID ADDICTION

Mr. BROWN. Mr. President, I appreciate the comments of my friend from Alaska—also from Cleveland—and those of my friend from Cincinnati, Senator PORTMAN, about opioids. I appreciate his leadership in my State, the work he has done, and the work we have done together on opioid addiction. It is a tragedy, and I don't go much of anywhere in the State without finding someone who is affected, someone who is addicted in a family, or a close friend who has died.

As Senator PORTMAN said, Ohio has more opioid deaths than any State in the country. We are the seventh largest State, but the State with the most deaths. It is troubling, and clearly we are not dealing with it as well as we should.

Mr. President, I rise to close the debate on this motion today on the Congressional Review Act to wipe out the SEC rule. I rise in opposition to the bill, as a number of colleagues on my side of the aisle have very strong feelings on it. With the exception of my friend from Idaho, the chairman of the Banking Committee, there weren't many Republicans who wanted to come to the floor for this, in part because I think it is just the supporters they have on their side don't make you want to rush to the floor and support them. Some called this the Kleptocrat Relief Act. I will give you a real quick history before I wrap up.

There is a provision in Dodd-Frank to deal with giving the President and others the best anticorruption tools we could have around the world, where countries that have lots of natural resources have been countries with all the wealth from natural resources. They are some of the most corrupt governments with some of the worst poverty anywhere on Earth.

This legislation in Dodd-Frank, and the rule that came out of it from the SEC, was going a long way to preventing corruption. What we saw was the support. Thirty countries in the world followed suit from our country. The companies that were affected, with a few very notable exceptions, were beginning to do what they knew they needed to do and should have done and that the rule called for. As a result, we were going in the right direction until this new administration, this new Congress.

I ask unanimous consent to have printed in the RECORD relevant letters from investors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 14, 2013.

MARY JO WHITE,
*Chairman, U.S. Securities and Exchange Commission, Washington, DC.*

DEAR CHAIRMAN WHITE: As investors representing more than US$5.6 trillion in assets under management, we commend the U.S. Securities and Exchange Commission (SEC) for its leadership in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Section 1504). The

rules were carefully considered and reflected investors' substantial interest in oil, gas and mining industry payment transparency. The SEC's leadership encouraged the development of a public global disclosure standard that includes the European Union Transparency Directive and regulation under development in Canada.

On July 2, the U.S. District Court for the District of Columbia made a ruling in American Petroleum Institute et al. vs. Securities and Exchange Commission vacating the rules for the implementation of Section 1504 and requiring the Commission to review them. We encourage the SEC to continue its vigorous defense of the Section 1504 rules as it responds to the'U.S. District Court's decision.

It is in the interest of investors and companies subject to both the U.S. and EU requirements that the reporting obligations in these jurisdictions are as uniform as possible. Consistent and predictable regulations may lower compliance costs and enhance the salience of disclosures. Therefore, we hope that the SEC will take all necessary steps to ensure that the rules go into effect as early as possible and that they maintain continuity with regulations in other jurisdictions. In doing so, the SEC should have due regard to the lengthy deliberations it conducted before the promulgation of the rules, and the inputs from diverse constituencies including many investors.

Payment disclosure regulations, such as Section 1504 and the European Union Transparency Directive, play a critical role in encouraging greater stability in resource-rich countries, which benefits both the citizens of those countries and investors. The Extractive Industries Transparency Initiative (EITI) Board Chair Clare Short has stated that mandatory payment disclosure regulations would ''strengthen the local accountability EITI provides.'' In fact, the latest revision of the EITI standard explicitly made project level payment disclosure contingent on alignment with SEC and EU regulation. We encourage the SEC to keep the complementary nature of regulations such as Section 1504 and EITI in mind as it considers its response to the U.S. District Court.

Investors depend on the SEC's leadership and deliberate consideration of disclosure requirements that protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation. We commend the Commission on issuing rules for the implementation of Section 1504 that reflect thorough contemplation of these factors and are confident the SEC will continue to act in the interest of investors as it responds to the U.S. District Court's July 2 ruling in API vs. SEC.

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APRIL 28, 2014.

MARY JO WHITE,

*Chair, U.S. Securities and Exchange Commission, Washington, DC.*

Re: Section 1504 of the Dodd—Frank Wall Street Reform and Consumer Protection Act

DEAR CHAIR WHITE: We write on behalf of the 34 undersigned institutional investors to convey our strong support for the leadership the U.S. Securities and Exchange Commission (SEC) has shown in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Section 13(q) of the Securities Exchange Act of 1934]. This letter follows up on a prior submission made to the SEC on August 14th 2013 on this subject and signed by many of the institutions below.

By way of introduction, the signatories of this submission manage assets that collectively total more than US$ 6.40 trillion, and our mandate is to deliver sustainable long-term returns to our pensions, insurance and savings clients. It is in this spirit that we wish to contribute our views on the value to investors of improving transparency and governance in the extractives sector through regulations such as Section 1504. We also welcome the parallel submission by Calvert Investment Management et al, and note the common objectives our respective groups of signatories share in promoting high standards of transparency in the extractives sector.

We would like to highlight that we have only belatedly become aware of the detailed submission made on April 15, 2014 by the American Petroleum Institute (API) on this subject. Inasmuch as we had produced this statement, and secured approvals from the undersigned institutions, well before having had an opportunity to review the API submission, we wish to draw your attention to a brief supplementary comment that several of our signatories will shortly be submitting by way of parallel submission in order to address any additional points that are relevant to the API's arguments.

The undersigned signatories strongly support the Extractive Industries Transparency Initiative (EITI). As such, we not only welcome the US's involvement as an EITI Supporting Country since the Initiative's inception in 2003, but are particularly pleased to note its recent admission as an EITI Candidate Country. We regard the United States' decision as instrumental in establishing the de facto global standard for transparency in the extractives sector, and see the steady progress being made as a critical factor in helping to reduce volatility in the oil and other vital hard commodity markets, with beneficial impacts on global financial markets and the real economy.

In line with our support for the EITI, we also highlight that we regard the mandatory project-level reporting provision contained in Section 1504 as entirely consistent with, and complementary to, the goals of the EFL As such, we wish to underscore the important revisions made in 2013 to the EITI Standard that aim specifically to ensure convergence with the disclosure standard pioneered by Section 1504. These are now echoed in similar legislation already passed by the European Union (Transparency and Accounting Directives) and in progress in Canada (Canadian Mandatory Reporting in the Extractive Sector).

In short, Section 1504 started a process that has now been embraced by the world's other key jurisdictions: where initially it could have placed US listed companies at a commercial disadvantage, this risk has been reduced. As institutions based in numerous international jurisdictions, with both customers and assets spread around the globe, we welcome this virtuous development, and consider that regulations favouring not only high, but just as importantly, globally consistent standards of transparency, are essential to safeguarding the effective functioning of the financial markets.

Finally, we highlight that our portfolios have substantial exposure to the global extractives sector, through both equity and fixed income instruments, and that many of the undersigned also invest actively in the sovereign debt of resource-dependent emerging nations whose fiscal governance has a direct bearing on the quality of the credits they hold. It is therefore specifically with a view to safeguarding and enhancing our clients' portfolio returns that we contribute the following comments.

Chair White, your fellow SEC Commissioner Michael Piwowar has recently been reported to have voiced the concern that Section 1504 may have involved a degree of legislative overreach, by allowing ''special interests, from all parts of the political spectrum that are trying to co-opt the SEC's corporate disclosure regime to achieve their own objectives.'' Commissioner Piwowar raises a valid point that merits discussion: as investors whose interests are inextricably bound with the commercial interests of the oil and mining companies in which we invest, we wish to clarify that we fully agree that the remit of the SEC is, and should remain, that of safeguarding the efficient functioning of financial markets. We also agree that legislative and regulatory tools aimed at achieving purely social aims properly belong within instruments other than SEC regulation.

However, it is our contention that Section 1504, in line with the broader purpose of the Dodd Frank Act, i.e. mitigating systemic financial market risk, plays an essential role in containing behaviours related to extractive sector activity that contribute to damaging levels of financial and economic instability.

As you know, Section 1504 calls for the provision of detailed publicly-available information regarding payments to government. The purpose of such disclosure is to: a) defuse suspicions by civil society; b) curb the incidence of corruption and fiscal mismanagement; c) and thereby reduce the social and political risk factors that drive high levels of operating risk in resource-dependent emerging nations. The latter notably exacerbates the volatility and risk in the commodities markets. It is precisely because of its role in helping to counteract these damaging pressures that we regard Section 1504 as very much in the interests of investors, and consistent with the basic mission of the SEC.

Nevertheless, as investors, we are sympathetic to the concerns of industry regarding the practical impacts of any new legislation in terms of potential administrative complexity and cost burden, particularly in respect of companies that operate in multiple jurisdictions. As such, it is imperative that the disclosure regulations introduced by Section 1504 reflect alignment between the US, EU and Canada—all key jurisdictions for extractive industry issuers. Firstly, this would simplify compliance for extractive companies, particularly for those that already have dual listings. Secondly, it would lift overall transparency standards while deterring less scrupulous issuers from actively seeking out more opaque regulatory regimes. Such 'forum-shopping' would not only harm well-governed companies through unfair competition, but expose investors to higher risk, and the general public to greater systemic risk.

Our strong interest as investors is therefore to achieve both consistency across competing jurisdictions and high standards, rather than regarding them as necessarily mutually exclusive. In this regard, the moves by the EU and Canada to follow in Dodd Frank 1504's footsteps signal a clear trend that is now very difficult to reverse: transparency has firmly taken hold, and it would be a mistake to roll backwards.

As a large group of diverse investment institutions, we acknowledge that different investors may make greater or lesser use of the granular data produced through such disclosure for individual stock decision purposes, depending on the nature of their portfolios and investment processes. However, while individual investment strategies may differ, we are strongly of the view that disclosure of the type called for by Section 1504 affords the following benefits to investors:

Putting such information in the public domain is of major indirect benefit to investors, thanks to its impact on the overall quality of the business climate: better transparency helps to build trust with the citizenry, deter corruption through better scrutiny of revenues and spending, and reduce

the likelihood of contract rescissions. An anonymous compilation of the submissions required by Section 1504 would likely not provide the information necessary to serve this purpose.

The value of such a standard lies in its consistent application across all global markets: this means that country exemptions should not be granted in cases where foreign jurisdictions wish to impose secrecy—otherwise, such exemptions, often referred to as the ''tyrant's veto'', will merely serve to encourage such governments to introduce anti-transparency standards, thereby undermining the very object of this regulation.

The impact of such disclosure on competitiveness has been overstated, as demonstrated by the strong support afforded to Section 1504's Canadian equivalent by the leading trade associations in the Canadian mining sector (Mining Association of Canada and Prospectors and Developers Association of Canada), and the more nuanced position of the Canadian Association of Petroleum Producers relative to the American Petroleum Institute. We also note that this information can be easily obtained by purchasing specialist research—which merely ensures that it is available to competitors who can afford to pay, but not to citizens who cannot. More importantly, as investors, we stand to benefit more from efficient, competitive markets that enable ethical behaviour than we do from isolated instances of companies gaining a temporary negotiating advantage through secrecy.

The impact on companies' compliance costs should be given due consideration, and we would therefore urge that with regard to the definition of 'project', the disclosure framework in Section 1504 be consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures that have been developed under the EU Directives and also made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil, the FTSE100 UK oil company. These base their definition, either implicitly or explicitly, on economic rather than geological entities (so-called 'payment liability'), which we regard as a cost-efficient way of mirroring internal corporate reporting. We recommend a single consistent standard in preference to allowing companies to self-define project boundaries for two reasons: 1) a multiplicity of reporting standards would cause confusion and drive up compliance costs; 2) flexibility for companies would also risk undermining the aim of the regulation. Such a standard should also require a consistent and reasonable degree of disaggregation, as this would meet the aims of the regulation, namely improving fiscal governance at both national and subnational level.

In conclusion, we are pleased to signal our strong support for the SEC's leadership in establishing a mandatory reporting standard in the extractives sector that is complementary to the EITI, aligned with equivalent standards in the EU and Canada, and designed pragmatically to deliver the very real benefits that we see coming from enhancing fiscal transparency and accountability in resource-dependent emerging nations. The SEC has demonstrated great diligence in appreciating the changing needs of investors through the implementation of Section 1504. We remain confident that the Commission will see the process through to a conclusion that fulfills its mission and advances the interests of all its stakeholders.

We thank you for your attention to this submission, and remain at your disposal for any further information or clarification.

APRIL 28, 2014.

MARY JO WHITE,

*Chair, U.S. Securities and Exchange Commission, Washington, DC.*

DEAR CHAIR WHITE: As investors representing more than $2.85 trillion in assets under management, we applaud the U.S. Securities and Exchange Commission (SEC) for its leadership in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Section 13(q) of the Securities Exchange Act of 1934]. The rules the SEC adopted for the implementation of Section 13(q) on August 22, 2012 would protect investors and promote efficient capital markets by providing investors with valuable factual information on risk profiles and company performance. Delay in implementation of these rules or their significant revision would continue to deny investors this valuable information.

The opportunities and challenges of both operating and investing in the oil, gas and mining industries have changed significantly in recent decades as companies have been increasingly compelled to explore and produce in countries with challenging governance and business environments, including some with pervasive corruption. We believe that Section 13(q) creates a chance for disclosure requirements to evolve in a manner that reflects the changing dynamics of these industries.

Investors' decisions regarding the oil, gas and mining industries and the efficient functioning of markets in general rely on the public disclosure of relevant information from issuers that is comprehensive and consistent. Therefore, we agree with the Commission's August 2012 rules for Section 13(q) that require issuer-by-issuer, government-level, and project-level public disclosures and believe that these are beneficial to investors.

Issuers' annual public Exchange Act reporting is an indispensable factor for investment decision-making. It must be done on a basis that allows investors to make decisions about the securities of individual issuers. An anonymous compilation of the submissions required by Section 13(q) would likely not provide the information necessary to serve this purpose. It is in the interest of both investors and issuers that the data disclosed pursuant to Section 13(q) maintains consistency across each issuer's operations. Following the enactment of Section 13(q), other jurisdictions have responded with complementary regulatory efforts, most notably the European Union Accounting and Transparency Directives and Canada's commitment to establish mandatory payment transparency reporting standards. Consistency with these reporting mandates requires payment information for all countries in which issuers operate, without exception.

Section 13(q) and its complementing regulations also require project-level disclosure. It would be most beneficial to investors if this disclosure were consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil.

The SEC has demonstrated great diligence in appreciating the changing needs of investors through the implementation of Section 13(q). We also welcome the parallel comment submitted by Allianz Global Investors et al., and note the common objectives our respective groups of signatories share in promoting high standards of transparency in the extractives sector. We remain confident that the Commission will see the process through to a conclusion that fulfills its obligations and advances the interests of all parties.

Mr. BROWN. Mr. President, on one side of this argument, one side of this rule, we see in the end—and this kind of sums it up. We have these 30 countries that followed us and passed the rules and the laws the same as we did. We have on our side, the American Catholic Bishops, the Conference of Bishops, the Presbyterian Church, groups like the One Campaign and Oxfam—public interest groups that made their mission trying to end corruption and deal with the economic and social distress and devastation brought on by some of these companies and some of these kleptomaniacal—for want of a better term—governments. That is on the one side.

On the other side, we have my Republican friends in the Senate and House. We have Rex Tillerson, the new Secretary of State, who lobbied vigorously and unceasingly against this rule as president of Exxon. We have Exxon on the other side. We have the Chamber of Commerce and the American Petroleum Institute. And on that side for this bill—against the rule—we have autocrats in places like Russia, Iran, Venezuela. You can bet on this vote tomorrow morning, if 7 a.m. comes out the way it looks like it will, you can bet there will be celebrations in Russia, in Iran, and Venezuela, in all these countries where these kleptocrats, where these leaders who are so corrupt, where they benefited so much.

I think that really sums it up, how important it is that we defeat this bill, how important it is that this President, who came to town and has been in office less than about 2 weeks, his second week in office—his campaign was all about drain the swamp, and one of the first things he did, with his Republican House and Senate Members following along like sheep, they have done this. It is just incredible how they moved so quickly to side with the autocrats, to side with the Russians, to side with Big Oil, to side with ExxonMobil and these autocrats in places like Iran and Russia. It is not a good commentary on this body. I am sorry to see it.

I ask my colleagues to vote no.

I yield back my time.

Mr. CRAPO. Mr. President, I yield back the remaining Republican time.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, the majority time is yielded back.

## MORNING BUSINESS

Mr. CRAPO. 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.

ADDITIONAL STATEMENTS

## TRIBUTE TO JOHN SALAMONE

● Mr. BOOKER. Mr. President, today I wish to honor the life and service of New Jerseyan John Salamone. John is a World War II veteran, a beloved member of the Lyndhurst community, and an inspiration to many.

A native of Hoboken, John Salamone began his service upon enlistment in the U.S. Navy in 1943 at the age of 17. After basic training, he was assigned to the medical corps and deployed to the Pacific Theater on the hospital ship the U.S.S. Haven. John's service in the Pacific took him to the Battle of Okinawa, to the liberation of POWs in the Philippines, and to the destroyed city of Nagasaki.

John's experiences during the war changed him. For several years following his return, he used his training to assist others as a volunteer emergency medical technician in his community. After seeing the devastation of the atomic bomb released over Nagasaki, John became passionate about sharing his war experiences with others in the hopes that the United States might never again deem atomic war necessary. To this day, he still prays for peace.

John is treasured by all who have been fortunate enough to meet him, and thanks to his outgoing and affable nature, almost everyone in the township of Lyndhurst knows him. John is a fixture there: he was a Little League coach, a member of the Elks Lodge and the Knights of Columbus, and a member of St. Luke's Roman Catholic Church, where he still attends mass every Sunday, just as he has for more than 50 years. For 68 years, until her death, John was the loving husband of Mary Salamone, and he is the proud father of Robert Salamone, Maureen Hirsch, and Mary Ann Osgoodby. In his retirement, after a 40-year career in sales with Chemical Bank, John spends his time doting on his seven grandchildren and nine great-grandchildren, advocating for the veterans community, and sharing his unique story as a U.S. Navy corpsman during World War II.

John's remarkable commitment to his community and our Nation is an example for all who seek to serve. It is an honor to formally recognize him for his tremendous contributions to his fellow citizens and thank him for his faithful service.●

## REMEMBERING JOE BILL DEARING

● Mr. BOOZMAN. Mr. President, today I wish to remember Joe Bill Dearing, an Arkansan with a big heart who loved to tell a good story and was a legend in Hereford cattle breeding. He passed away on Monday, January 30, 2017, at the age of 88.

Joe was born in Harrison, AR. He married his high school sweetheart, Dennie, in 1947, and the couple pursued a career in farming at their Red Robin Farm.

Joe came from a family of farmers so his passion for the industry and dedication to his craft came as no surprise. He established a nationally recognized herd of Polled Hereford cattle and became an internationally recognized Hereford cattle breeder.

This success also earned them the recognition of ''Boone County Family Farm of the Year'' in 1973.

He took his expertise to Montana in 1978 to work in the cattle industry and was active on the national cattle show circuit, winning the award for national champion bull in 1994 and 1995.

After his decades of raising cattle, he could still remember in detail his prized animals. He was more than happy to share pictures and stories of his cattle.

Joe was a longtime member of the Union Baptist Church where he served as a deacon, church secretary, and treasurer.

The Dearings were so kind to my daughters when they were showing cows through 4–H. We spent countless hours with Joe and Dennie traveling all over the country, and we witnessed the great examples of integrity and character that defined their lives.

Joe Dearing left a lasting legacy. He was a beloved husband, friend, community member, and cattle rancher. I was proud to call him my friend, and in fact, he and Dennie always seemed more like family. He will be greatly missed. My thoughts and prayers are with his loved ones during this difficult time.●

## TRIBUTE TO ALLY MARTIN

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Ms. Ally Martin of Wheatland County, a tough ranch hand with a very bright future. This young lady has flat out excelled in her community. The superintendent of Harlowton Public Schools said of Ally, ''I have known Ally for her whole life and she has yet to disappoint me.''

Ally is the oldest of four siblings on a working sheep and cattle ranch not too far from the Musselshell River in central Montana. Anyone who knows the amount dedication and perseverance it takes to keep this type of family business running knows that Ally's achievements in sports, school, and 4–H are remarkable. Ally gets her grit from her family. Her parents would drive 25 miles to take Ally to her part-time job washing dishes and waiting tables at the Crazy Mountain Inn in Martinsdale.

From 2013–2015, Ally was recognized as the Wheatland County 4–H ''Grand Champion'' for her sheep project. Ally meticulously cross-bred Suffolk sheep into her family's Targhee flock, making noticeable gains to weaning weight. Some of her 4–H peers even started using her lambs in 4–H as well. Ally has been able to shoulder the demands of the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School appointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be nearly double the population of Wheatland County. Ally won't flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when almost everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.●

## 250TH ANNIVERSARY OF THE MATTATUCK DRUM BAND

● Mr. MURPHY. I would like to congratulate the Mattatuck Drum Band, the oldest continually operating marching band in the Nation, on its 250th anniversary. The Mattatuck Drum Band's performances have captivated audiences in Connecticut since before the founding of our Nation and deserve recognition for continuing this important musical tradition over so many years.

During the marching band's formative years in the early 1770's, it was known as the Farmingbury Drum Band. The group performed at Farmingbury church events, where churchgoers were called into services by drumbeat—a common practice for churches without a bell. During the American Revolution, many members of the band served as wartime fifers and drummers, providing military field music for soldiers fighting for American independence. Shortly after returning home from the war, the band grew in popularity and changed their name to the Wolcott Drum Band.

In the 19th century, many band members continued their service to the military during the War of 1812 and in the Civil War, participating in rallies and recruiting events to ''drum up'' support for the militia. Following the Civil War, however, many band members relocated, and interest in the group waned. The group was revived in 1881, when the remaining active members of the band moved the group to Waterbury and renamed it the Mattatuck Drum Band. The uniform first donned by this group in 1884 is still worn by the Mattatuck Drum Band today.

As the band continued into the 20th century, their main purpose shifted from rallying support for the militia to bolstering the morale and feelings of patriotism amongst the public. Although many Mattatuck Drum Band members enlisted to serve their country during World War I and World War

II, the musicians still found ways to practice and keep the group active. In 1961, the Mattatuck Drum Band travelled to Washington to participate in the inaugural parade of President-Elect John F. Kennedy. They received a standing ovation and applause for their performance.

Today the Mattatuck Drum Band performs at many parades and celebrations, using their powerful drum beats to continue the patriotic tunes and traditions that have inspired so many Americans over generations. I would like to congratulate the Mattatuck Drum Band on their incredible history of service and inspiration. It is my hope that the band continues this incredible musical tradition for many more years to come.●

## MESSAGE FROM THE HOUSE

At 4:30 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 joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res 37. Joint resolution disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

H.J. Res 40. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BARRASSO for the Committee on Environment and Public Works. Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs. *Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

By Mr. ENZI for the Committee on the Budget. *Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

*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 Ms. HEITKAMP (for herself, Mr. BOOZMAN, Mr. UDALL, Mr. LEAHY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. KING, Ms. COLLINS, Ms. STABENOW, Mr. DONNELLY, Ms. BALDWIN, Mr. WYDEN, Mr. WARNER, and Mr. COCHRAN):

S. 275. A bill to allow the financing by United States persons of sales of agricultural commodities to Cuba; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 277. A bill to establish a Rural Telecommunications and Broadband Advisory Committee within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO:

S. 279. A bill to amend the Water Resources Development Act of 1986 to modify a provision relating to acquisition of beach fill; to the Committee on Environment and Public Works.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 280. A bill to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 281. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Mr. HEINRICH, Mr. GARDNER, Mr. TESTER, Mr. RISCH, Mr. DAINES, Mr. BENNET, and Mr. UDALL):

S. 282. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. TILLIS, Mr. COONS, Mr. MERKLEY, Mr. WYDEN, and Ms. HIRONO):

S. 283. A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 284. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Finance.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 285. A bill to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 286. A bill to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 287. A bill to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Energy and Natural Resources.

By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative rules; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself and Mr. GARDNER):

S. 289. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself and Mr. BOOZMAN):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. LEAHY, Mr. MERKLEY, Mr. HEINRICH, Mrs. FEINSTEIN, and Ms. HARRIS):

S. 291. A bill to amend the National Security Act of 1947 to modify the requirements for membership in the National Security Council and cabinet-level policy forum, and for other purposes; to the Select Committee on Intelligence.

By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT (for himself, Mr. BOOKER, Mr. BLUNT, Mr. BENNET, Mr. GRAHAM, Mr. COONS, Mrs. CAPITO, Mrs. GILLIBRAND, Mr. PETERS, Mr. GARDNER, Mr. YOUNG, and Mr. WARNER):

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MANCHIN, Mr. DAINES, Mr. CASEY, Mr. GARDNER, Mr. BOOZMAN, Mr. TESTER, Ms. HIRONO, and Mr. HELLER):

S. 294. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAINES (for himself, Mr. SULLIVAN, and Ms. MURKOWSKI):

S. 295. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Mr. DAINES, and Ms. MURKOWSKI):

S. 296. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 297. A bill to increase competition in the pharmaceutical industry; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BARRASSO:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN):

S. Res. 43. A resolution recognizing January 2017 as National Mentoring Month; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 54

At the request of Mr. BOOKER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 54, a bill to prohibit the creation of an immigration-related registry program that classifies people on the basis of religion, race, age, gender, ethnicity, national origin, nationality, or citizenship.

S. 56

At the request of Mr. SULLIVAN, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. ROUNDS), the Senator from Indiana (Mr. YOUNG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Montana (Mr. DAINES), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. PERDUE), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 56, a bill to require each agency to repeal or amend 2 or more rules before issuing or amending a rule.

S. 58

At the request of Mr. HELLER, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 59

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 94

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 182

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 182, a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

S. 208

At the request of Mr. KING, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 208, a bill to amend the Internal Revenue Code of 1986 to make the Child and Dependent Care Tax Credit fully refundable, and for other purposes.

S. 212

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 212, a bill to provide for the development of a United States strategy for greater human space exploration, and for other purposes.

S. 224

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 241

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 241, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 244

At the request of Mr. LEE, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 244, a bill to repeal the wage requirement of the Davis-Bacon Act.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 255

At the request of Mr. SCHATZ, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 264

At the request of Mr. LANKFORD, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose.

S. 272

At the request of Mr. SCHATZ, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. TESTER), the Senator from Indiana (Mr. DONNELLY), the Senator from Florida (Mr. NELSON) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 5

At the request of Mr. CARDIN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S.J. Res. 5, a joint resolution removing the deadline for the

ratification of the equal rights amendment.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to ''Waste Prevention, Production Subject to Royalties, and Resource Conservation''.

S.J. RES. 13

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S.J. RES. 15

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 15, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Director of the Bureau of Land Management relating to resource management planning.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, one of the most important elements of the rule of law is the promise of swift access to the courts, but that promise has been broken in my home State of Arizona. That is because Arizona falls under the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, a circuit that is both oversized and overworked.

With the jurisdiction encompassing 13 districts spread across nine States and 2 U.S. territories, the Ninth Circuit covers 1 in 5 Americans. It hears roughly 12,000 appeals each year. The next busiest circuit doesn't even hear 9,000, and for the thousands of cases under its consideration, the average turnaround time exceeds 15 months.

Now, if excessive delays weren't bad enough, it turns out the Ninth Circuit is overturned by the Supreme Court 77 percent of the time when the Supreme Court grants cert—77 percent of the time. That is obviously higher than any other court. So not only is the court excruciatingly slow, but in many instances it is simply wrong.

The court, itself, is unusually large. It has 29 authorized judgeships. That is 12 more than the next largest circuit.

The Ninth Circuit is so big that it can't even rehear cases as a whole body, like every other appeals court does. Instead, cases are reheard with limited en banc; these are panels of 11 judges each. That means that only one-third of its judges are deciding law for the entire court—only one-third.

Of the States suffering under the weight of the Ninth Circuit's crushing backlog, Arizona shoulders a uniquely heavy burden. Per capita, Arizona has the busiest Federal docket in the circuit. That puts Arizonans at the back of an already long line just to get their day in court.

As if the deluge of cases continues to fill the Ninth Circuit's docket, the line keeps getting longer and longer if you happen to live in Arizona.

With problems like these, we are left to ask: Is the Ninth Circuit simply too big to succeed? If you are an Arizonan, the answer is unquestionably yes.

Arizonans deserve better, and that is why today I am introducing a bill to break up the Ninth Circuit.

With the support of my colleague from Arizona, JOHN MCCAIN, and the support of Gov. Doug Ducey, I have introduced the Judicial Administration and Improvement Act. This bill would create a new Twelfth Circuit by moving Arizona, as well as Alaska, Idaho, Montana, Nevada, and Washington, out of the Ninth Circuit. Doing so would create two smaller appellate courts where one dysfunctional court stood, all the while establishing stronger local, regional, and cultural ties. This would help alleviate the Ninth Circuit's enormous caseload and ensure a more timely and accurate judicial process for both circuits.

Now, importantly, the bill would also free the new circuit from the Ninth Circuit's precedent. That means States like Arizona would be able to chart their own legal course, consistent with their local needs and traditions.

A fair and functioning judiciary is one of the pillars of our democracy. Geography shouldn't limit a citizen's access to the courts.

The Judicial Administration and Improvement Act will right this wrong by restoring faith in our judicial system and securing the access to Justice that Americans deserve.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, in recent years we have seen the inability of the Federal Government to quickly adapt to changing technology and emerging threats. In June of 2015 the Office of Personnel Management, OPM, was infiltrated with a major cyber breach, affecting more than 22 million current and former Federal employees, including myself. In January of 2016, another nearly half a million Americans had their social security numbers stolen when the Internal Revenue Service was hacked.

I spent 28 years in the private sector, 12 years with a global cloud computing company. We faced cyber threats daily, and our customers expected security of their data. We delivered, not once was our data compromised. Until I came to the Federal Government and received the letters from OPM, my data had been secured too.

I know firsthand that industry has the talent and incentive to keep their information systems secure. The Federal Government should continue to innovate and utilize industries' expertise and learn from their best practices.

That is why I am introducing the Support for Rapid Innovation Act. This

legislation will extend the authorization for the Secretary of Homeland Security to carry out innovative research and development projects that will enhance our Nation's cyber security. It will focus efforts on developing more secure information systems, technologies for detecting and containing attacks in real-time, and develop cyber forensics to identify perpetrators. This will be done by leveraging private sectors' innovation and ingenuity.

I want to thank Senator WARNER for being an original cosponsor of this bill and Representative RATCLIFFE of Texas for leading introduction of companion legislation in the House of Representatives. I ask my Senate colleagues to join us in support of this important 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. 278

*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 ''Support for Rapid Innovation Act of 2017''.

**SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT PROJECTS.**

(a) CYBERSECURITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

**''SEC. 321. CYBERSECURITY RESEARCH AND DEVELOPMENT.**

''(a) IN GENERAL.—The Under Secretary for Science and Technology shall support the research, development, testing, evaluation, and transition of cybersecurity technologies, including fundamental research to improve the sharing of information, information security, analytics, and methodologies related to cybersecurity risks and incidents, consistent with current law.

''(b) ACTIVITIES.—The research and development supported under subsection (a) shall serve the components of the Department and shall—

''(1) advance the development and accelerate the deployment of more secure information systems;

''(2) improve and create technologies for detecting and preventing attacks or intrusions, including real-time continuous diagnostics, real-time analytic technologies, and full lifecycle information protection;

''(3) improve and create mitigation and recovery methodologies, including techniques and policies for real-time containment of attacks, and development of resilient networks and information systems;

''(4) support, in coordination with non-Federal entities, the review of source code that underpins critical infrastructure information systems;

''(5) assist the development and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

''(6) assist the development and support of technologies to reduce vulnerabilities in industrial control systems;

''(7) assist the development and support cyber forensics and attack attribution capabilities;

''(8) assist the development and accelerate the deployment of full information lifecycle security technologies to enhance protection, control, and privacy of information to detect and prevent cybersecurity risks and incidents;

''(9) assist the development and accelerate the deployment of information security measures, in addition to perimeter-based protections;

''(10) assist the development and accelerate the deployment of technologies to detect improper information access by authorized users;

''(11) assist the development and accelerate the deployment of cryptographic technologies to protect information at rest, in transit, and in use;

''(12) assist the development and accelerate the deployment of methods to promote greater software assurance;

''(13) assist the development and accelerate the deployment of tools to securely and automatically update software and firmware in use, with limited or no necessary intervention by users and limited impact on concurrently operating systems and processes; and

''(14) assist in identifying and addressing unidentified or future cybersecurity threats.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

''(1) the Under Secretary appointed pursuant to section 103(a)(1)(H);

''(2) the heads of other relevant Federal departments and agencies, as appropriate; and

''(3) industry and academia.

''(d) TRANSITION TO PRACTICE.—The Under Secretary for Science and Technology shall support projects carried out under this title through the full life cycle of such projects, including research, development, testing, evaluation, pilots, and transitions. The Under Secretary shall identify mature technologies that address existing or imminent cybersecurity gaps in public or private information systems and networks of information systems, protect sensitive information within and outside networks of information systems, identify and support necessary improvements identified during pilot programs and testing and evaluation activities, and introduce new cybersecurity technologies throughout the homeland security enterprise through partnerships and commercialization. The Under Secretary shall target Federally funded cybersecurity research that demonstrates a high probability of successful transition to the commercial market within two years and that is expected to have a notable impact on the public or private information systems and networks of information systems.

''(e) DEFINITIONS.—In this section:

''(1) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given such term in section 227.

''(2) HOMELAND SECURITY ENTERPRISE.—The term 'homeland security enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.

''(3) INCIDENT.—The term 'incident' has the meaning given such term in section 227.

''(4) INFORMATION SYSTEM.—The term 'information system' has the meaning given such term in section 3502(8) of title 44, United States Code.

''(5) SOFTWARE ASSURANCE.—The term 'software assurance' means confidence that software—

''(A) is free from vulnerabilities, either intentionally designed into the software or accidentally inserted at any time during the lifecycle of the software; and

''(B) functioning in the intended manner.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to second section 319 the following new item:

''Sec. 321. Cybersecurity research and development.''.

(b) RESEARCH AND DEVELOPMENT PROJECTS.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''2016'' and inserting ''2021'';

(B) in paragraph (1), by striking the last sentence; and

(C) by adding at the end the following new paragraph:

''(3) PRIOR APPROVAL.—In any case in which the head of a component or office of the Department seeks to utilize the authority under this section, such head shall first receive prior approval from the Secretary by providing to the Secretary a proposal that includes the rationale for the utilization of such authority, the funds to be spent on the use of such authority, and the expected outcome for each project that is the subject of the use of such authority. In such a case, the authority for evaluating the proposal may not be delegated by the Secretary to anyone other than the Under Secretary for Management.'';

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2016'' and inserting ''2021''; and

(B) by amending paragraph (2) to read as follows:

''(2) REPORT.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the projects for which the authority granted by subsection (a) was utilized, the rationale for such utilizations, the funds spent utilizing such authority, the extent of cost-sharing for such projects among Federal and non-Federal sources, the extent to which utilization of such authority has addressed a homeland security capability gap or threat to the homeland identified by the Department, the total amount of payments, if any, that were received by the Federal Government as a result of the utilization of such authority during the period covered by each such report, the outcome of each project for which such authority was utilized, and the results of any audits of such projects.''; and

(3) by adding at the end the following new subsection:

''(e) TRAINING.—The Secretary shall develop a training program for acquisitions staff on the utilization of the authority provided under subsection (a) to ensure accountability and effective management of projects consistent with the Program Management Improvement Accountability Act (Public Law 114–264) and the amendments made by such Act.''.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

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By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative

rules; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. 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. 288

*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 ''Regulatory Predictability for Business Growth Act of 2017''.

**SEC. 2. REQUIRING NOTICE AND COMMENT FOR CERTAIN INTERPRETATIVE RULES.**

Subchapter II of chapter 5 of title 5, United States Code, is amended—

(1) in section 551—

(A) in paragraph (13), by striking ''and'' at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(15) 'longstanding interpretative rule' means an interpretative rule that has been in effect for not less than 1 year; and

''(16) 'revise' means, with respect to an interpretative rule, altering or otherwise changing any provision of a longstanding interpretative rule that conflicts, or is in any way inconsistent with, any provision in a subsequently promulgated interpretative rule.''; and

(2) in section 553—

(A) in subsection (b)(A), by striking ''interpretative rules'' and inserting ''an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency''; and

(B) in subsection (d)(2), by striking ''interpretative rules'' and inserting ''an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency,''.

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By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators CAPITO, VAN HOLLEN, and ISAKSON in the introduction of the Childhood Cancer Survivorship, Treatment, Access, and Research, STAR, Act of 2017. This legislation is an extension of ongoing bipartisan efforts in the Senate over the past decade to get us closer to the goal of hopefully one day curing cancers in children, adolescents, and young adults. Representatives MCCAUL, SPEIER, KELLY, and BUTTERFIELD are introducing the companion legislation in the other body.

I first started working on this issue after meeting the Haight family from Warwick, Rhode Island in June of 2004. Nancy and Vincent lost their son, Ben, when he was just nine years old to neuroblastoma, a very aggressive tumor in the brain.

With the strong support of families like the Haights for increased research into the causes of childhood cancers and improved treatment options, I introduced bipartisan legislation that eventually was signed into law in 2008 as the Caroline Pryce Walker Conquer Childhood Cancer Act.

This was an important step. Yet, more work remains. The STAR Act seeks to advance pediatric cancer research and child-focused cancer treatments, while also improving childhood cancer surveillance and providing resources for survivors and those impacted by childhood cancer.

If a treatment is working, doctors elsewhere should know immediately. The same should happen if a treatment isn't working, or if other major medical events occur during the course of a particular treatment. It is critical that doctors, nurses, and other providers are able to effectively communicate information about the disease, the treatment process, and what other health and development impacts children can expect to experience with a particular course of treatment.

As such, the STAR Act would reauthorize the Caroline Pryce Walker Conquer Childhood Cancer Act, creating a comprehensive children's cancer biorepository for researchers to use in searching for biospecimens to study and would improve surveillance of childhood cancer cases.

This legislation also includes provisions dealing with issues that arise for survivors of childhood cancer. Unfortunately, even after beating cancer, as many as two-thirds of childhood cancer survivors are likely to experience at least one late effect of treatment; as many as one-fourth experience a late effect that is serious or life-threatening, including second cancers and organ damage.

We must do more to ensure that children survive cancer and any late effects so they can live a long, healthy, and productive life. This legislation would enhance research on the late effects of childhood cancers, improve collaboration among providers so that doctors are better able to care for this population as they age, and establish a new pilot program to begin to explore improved models of care for childhood cancer survivors.

Lastly, this bill would ensure more pediatric expertise at the National Institutes of Health to better leverage the research investment to improve pediatric cancer research by requiring the inclusion of at least one pediatric oncologist on the National Cancer Advisory Board and improving childhood health reporting requirements to include pediatric cancer.

Last year, Senator CAPITO and I were able to get a provision of this bill included in the 21st Century CURES Act, which was signed into law at the end of the year. That provision will provide some clarity for patients and their physicians attempting to access new drugs and therapies from pharmaceutical companies. When a patient has run out of other options, the last thing they and their families need is to spend months being given the run-around trying to access a potential treatment.

I am hopeful that we can build on this momentum. Indeed, it was heartening to see the House of Representatives pass the Childhood Cancer STAR Act as one of its last acts of the 114th Congress by a unanimous vote. While, the Senate was unable to follow suit as time ran out at the end of the year, HELP Committee Chairman ALEXANDER and Ranking Member MURRAY have committed to working with Senator CAPITO and me to move the legislation this year.

The Childhood Cancer STAR Act has the support of the American Cancer Society Cancer Action Network, St. Baldrick's Foundation, and Children's Oncology Group, among others. I look forward to our continued work with these stakeholders to build support for the bill and with the HELP Committee to see this bill advance through the legislative process.

## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BARRASSO submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 42

*Resolved,*

**SECTION 1. GENERAL AUTHORITY.**

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

**SEC. 2. EXPENSES.**

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $3,060,871, of which amount—

(1) not to exceed $4,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,166 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $5,247,208, of which amount—

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $2,186,337, of which amount—

(1) not to exceed $3,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $834 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

**SEC. 3. REPORTING LEGISLATION.**

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

**SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.**

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

## SENATE RESOLUTION 43—RECOGNIZING JANUARY 2017 AS NATIONAL MENTORING MONTH

Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas, in 2002, the Harvard T.H. Chan School of Public Health and MENTOR: the National Mentoring Partnership established National Mentoring Month;

Whereas 2017 is the 15th anniversary of National Mentoring Month;

Whereas the goals of National Mentoring Month are—

(1) to raise awareness of mentoring;

(2) to recruit individuals to mentor; and

(3) to encourage organizations to engage and integrate quality in mentoring into the efforts of the organizations;

Whereas young people across the United States make everyday choices that lead to the big decisions in life without the guidance and support on which many other people rely;

Whereas a mentor is a caring, consistent presence who devotes time to a young person to help that young person—

(1) discover personal strength; and

(2) achieve the potential of that young person through a structured and trusting relationship;

Whereas quality mentoring—

(1) encourages positive choices;

(2) promotes self-esteem;

(3) supports academic achievement; and

(4) introduces young people to new ideas;

Whereas mentoring programs have shown to be effective in combating school violence and discipline problems, substance abuse, incarceration, and truancy;

Whereas research shows that young people who were at risk for not completing high school but who had a mentor were, as compared with similarly situated young people without a mentor—

(1) 55 percent more likely to be enrolled in college;

(2) 81 percent more likely to report participating regularly in sports or extracurricular activities;

(3) more than twice as likely to say they held a leadership position in a club or sports team; and

(4) 78 percent more likely to pay it forward by volunteering regularly in their communities;

Whereas 90 percent of young people who were at risk for not completing high school but who had a mentor said they are now interested in becoming mentors themselves;

Whereas mentoring can play a role in helping young people attend school regularly, as research shows that students who meet regularly with a mentor are, as compared with the peers of those students—

(1) 52 percent less likely to skip a full day of school; and

(2) 37 percent less likely to skip a class;

Whereas youth development experts agree that mentoring encourages smart daily behaviors, such as finishing homework, having healthy social interactions, and saying no when it counts, that have a noticeable influence on the growth and success of a young person;

Whereas mentors help young people set career goals and use the personal contacts of the mentors to help young people meet industry professionals and train for and find jobs;

Whereas all of the described benefits of mentors serve to link youth to economic and social opportunity while also strengthening the fiber of communities in the United States; and

Whereas, despite the described benefits, 9,000,000 young people in the United States feel isolated from meaningful connections with adults outside their homes, constituting a ''mentoring gap'' that demonstrates a need for collaboration and resources: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes January 2017 as National Mentoring Month;

(2) recognizes the caring adults who—

(A) serve as staff and volunteers at quality mentoring programs; and

(B) help the young people of the United States find inner strength and reach their full potential;

(3) acknowledges that mentoring is beneficial because mentoring encourages educational achievement and self-confidence, reduces juvenile delinquency, improves life outcomes, and strengthens communities;

(4) promotes the establishment and expansion of quality mentoring programs across the United States to equip young people with the tools needed to lead healthy and productive lives; and

(5) supports initiatives to close the ''mentoring gap'' that exists for the many young people in the United States who do not have meaningful connections with adults outside their homes.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 190. Mr. CRAPO (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. ''Gene'' Cernan.

## TEXT OF AMENDMENTS

**SA 190.** Mr. CRAPO (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. ''Gene'' Cernan; as follows:

In the 12th whereas clause of the preamble, strike ''2016'' and insert ''2017''.

## PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my team member, Patrick Drupp, be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING THE LIFE AND ACHIEVEMENTS OF EUGENE A. ''GENE'' CERNAN

Mr. CRAPO. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 27) honoring the life and achievements of Eugene A. ''Gene'' Cernan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution be agreed to; that the Cruz amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be

considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 27) was agreed to.

The amendment (No. 190) was agreed to, as follows:

(Purpose: To amend the preamble)

In the 12th whereas clause of the preamble, strike ''2016'' and insert ''2017''.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 27

Whereas Gene Cernan was born on March 14, 1934, in Chicago, Illinois, was raised in the suburban towns of Bellwood and Maywood, and graduated from Proviso Township High School;

Whereas Gene Cernan began his career as a basic flight trainee in the United States Navy;

Whereas Gene Cernan was one of fourteen astronauts selected by NASA in October 1963 to participate in the Gemini and Apollo programs;

Whereas Gene Cernan was the second American to have walked in space having spanned the circumference of the world twice in a little more than 2½ hours in 1966 during the Gemini 9 mission;

Whereas Gene Cernan served as the lunar module pilot for Apollo 10 in 1969, which was referred to as the ''dress rehearsal'' for Apollo 11's historic landing on the Moon;

Whereas Gene Cernan was commander of Apollo 17 in 1972, during the last human mission to the Moon;

Whereas Gene Cernan maintains the distinction of being the last man to have left his footprints on the surface of the Moon;

Whereas Gene Cernan was one of the three men to have flown to the Moon on two occasions;

Whereas Gene Cernan logged 566 hours and 15 minutes in space, of which more than 73 hours were spent on the surface of the Moon;

Whereas Gene Cernan and the crew of Apollo 17 set records that still stand today, for longest manned lunar landing flight, longest lunar surface extra vehicular activities, largest lunar sample return, and longest time in lunar orbit;

Whereas Gene Cernan retired from the Navy after 20 years and ended his NASA career in July 1976; and

Whereas, on January 16, 2017, Gene Cernan passed away in Houston, Texas, leaving behind a vibrant history of space exploration and advocacy for NASA, a legacy of inspiring young people to ''dream the impossible'', and a documentary that encourages continual human space exploration: Now, therefore, be it

*Resolved*, That the Senate honors the life of Gene Cernan, a Naval aviator, fighter pilot, electrical engineer, and the last astronaut to walk on the Moon.

## NATIONAL MENTORING MONTH

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 43, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 43) recognizing January 2017 as National Mentoring Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## ORDERS FOR FRIDAY, FEBRUARY 3, 2017

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6:30 a.m., Friday, February 3; 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.J. Res. 41, with no debate time remaining; finally, that following the disposition of H.J. Res. 41, the Senate vote on the motion to invoke cloture on the DeVos nomination, rule XXII notwithstanding.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 6:30 A.M. TOMORROW

Mr. CRAPO. 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.

There being no objection, the Senate, at 8:06 p.m., adjourned until Friday, February 3, 2017, at 6:30 a.m.

# EXTENSIONS OF REMARKS

## 100TH BIRTHDAY OF DOLORES BELLUCCI CONTES

### HON. DANIEL M. DONOVAN, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. DONOVAN. Mr. Speaker, I rise today to recognize the 100th Birthday of Brooklyn's Dolores Bellucci Contes.

Dolores was born on February 19, 1917, and has been a resident of Bay Ridge, Brooklyn for over 80 years. In fact, she has lived at the same address since 1950. In 1951, after her husband's sudden death, she was widowed at the age of 33. Despite her grief, she demonstrated strength and temerity by becoming a working mother in order to support her children. Dolores got remarried in 1961 to her late husband, George Contes, with whom she spent 50 joyous years.

I cannot emphasize enough Dolores' determination and wisdom. She owned a local small business, ''Nail Elegance,'' for many years. Moreover, the fact that she worked until the age of 91 is simply astounding. It takes a special kind of person to have the kind of dedication and work ethic that Dolores has had her entire life.

Mr. Speaker, I wish Dolores Bellucci Contes a very happy 100th birthday. Simply put, people like Dolores are what make Brooklyn great. She has truly lived a life worth living, and I am honored to represent her in Congress.

## HONORING THE PASSING OF MCCABE, MARSHALL EDWARD, MD, MG, U.S. ARMY (RETIRED)

### HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. WITTMAN. Mr. Speaker, I rise today to honor the passing of Marshall Edward, MD, MG, U.S. Army (Retired). MG McCabe passed peacefully at his home in Richmond, VA on January 29, 2017 at the remarkable age of 93. He is survived by his wife of 70 years, Alice Keshian McCabe, and their three children, Malanie McCabe, Dr. Marshal E. McCabe and Allison McCabe O'Brien, their grandchildren, Kathryn O'Brien Holder, Gregory Boehling O'Brien, their great grandchildren, Taylor Alice Holder, Cooper Ian and Callan Edward Cox, and Baby O'Brien arriving in 2017.

MG McCabe was a highly decorated Army Doctor who was first called to active duty in 1948 at the 97th General Hospital in occupied Germany. In 1953, he applied for and was tendered a Regular Army commission where he completed his residency in Internal Medicine at Walter Reed General Hospital. In 1964, he was assigned as Chief Medical Consultant in the office of the Surgeon General U.S. Army (OTSG) Washington. In 1972, he was promoted to Brigadier General and assigned as the first chief of staff of the newly established U.S. Army Health Services Command, which assumed operation control of most Army medical personnel for the Western hemisphere. In 1975, he was promoted to Major General and assumed Command of the U.S. Army Medical Command, Europe in Germany. Before he retired in 1980 after serving 35 illustrious years in the Army, MG McCabe served as Commander of the U.S. Army Health Services Command where he commanded over 49,000 personnel and over 80 direct reporting subordinate commands.

MG McCabe or ''Pard'' as he was known by those close, was a loving husband, father, grandfather and great-grandfather who loved spending time with his family. I am grateful to have known MG McCabe and am thankful for his loyal patriotism and selfless service to his country. MG McCabe will be dearly missed by his family and friends and the Country sends its greatest gratitude for his time to the U.S. Army.

## HONORING THE LIFE OF THE HONORABLE LIZETTE PARKER

### HON. JOSH GOTTHEIMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. GOTTHEIMER. Mr. Speaker, I rise today to honor the life and legacy of the Honorable Lizette Parker—a fearless community leader and a devoted public servant. She is greatly missed by the people of Teaneck, New Jersey, who benefitted immeasurably from her involvement in the community and dedication as their mayor and people across Bergen County and the state whose lives she improved.

Mayor Parker was committed to a life of service to those around her. She began her career as a social worker, and she eventually earned seats on the Bergen County Board of Social Services and the Teaneck Town Council. In these roles, she established herself as a force for economic and social justice, tackling issues pertinent to families and youth such as poverty, housing, health care, and respect and appreciation for diversity. In July of 2014, she became the first African-American to serve as Mayor of Teaneck—a watershed accomplishment for the community. As a tenacious advocate for the people of Bergen County, Mayor Parker earned recognition from the Girl Scouts of America, the NAACP, and the Urban League, among other impressive honors.

Mayor Parker's passion and leadership inspired residents young and old, and her life left a lasting impact on the Teaneck community. I am grateful that the scholarship program she established will be continued in her name by her family—a fitting testament to her admirable efforts to improve the lives of young people in Bergen County.

Mr. Speaker, I am grateful for Mayor Parker's contributions to our community, and I am optimistic that her spirit will continue to live on in the hearts of those who she served.

## CONGRATULATING CAPTAIN BILL PFISTER ON HIS RETIREMENT

### HON. BRADLEY BYRNE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. BYRNE. Mr. Speaker, I rise today to congratulate Captain William ''Bill'' Pfister on his retirement and honor him for his over fifty years of service to our country as a member of the U.S. Navy and a key leader in our nation's shipbuilding industry.

Bill Pfister graduated from the United States Naval Academy in 1962, and he went on to serve in the Navy for 27 years. Among his many honors, he is a recipient of the U.S. Navy Legion of Merit Award and several Meritorious Service Medals. He retired from the Navy in 1989 and continued to support the Navy through his work on various shipbuilding projects.

He was ''employee negative one'' for Austal USA and helped select the Mobile, Alabama site. During his years at Austal, he has overseen the impressive construction and expansion of a first-class shipbuilding operation. To put it simply: Bill took a green field and built it into the Austal of today.

Austal USA is now the largest private sector employer in Alabama's First Congressional District, employing over 4,000 people. Much of the success and growth at Austal is because of Bill Pfister's hard work, vision, dedication, and leadership.

Bill has also taken an active role in our local community through involvement in civic clubs and organizations including the Partners for Environmental Progress, the local Navy League chapter, Mobile Baykeeper, Propeller Club, and the Military Officers Association of America. Like a true sailor, Bill also enjoys spending time boating on Mobile Bay.

Mr. Speaker, Bill Pfister has poured his heart and soul into the success of Austal USA and the overall mission of the United States Navy. So, on behalf of Alabama's First Congressional District, I wish Bill and his wife, Sally, all the best upon his retirement. Our nation will be forever grateful for his service and sacrifice.

## TRIBUTE TO HONOR RAYMOND LAWRENCE SULLIVAN, JR., M.D. ON THE OCCASION OF HIS RETIREMENT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Ms. ESHOO. Mr. Speaker, Raymond Lawrence Sullivan, Jr., was born in San Francisco

on October 4, 1942. He was the second of six children and grew up in San Francisco and Hillsborough. He has three living siblings, Phillip Sullivan, Mary Sullivan Ward and Mother Agnes of the Cross, CJM.

Larry was educated at St. Catherine's Grammar School in Burlingame, Bellarmine College Prep in San Jose, the University of San Francisco, and the UCSF Medical School. He did his residency in Anesthesiology at Stanford, and served our country in the U.S. Navy Medical Corps from 1968 to 1970.

Larry married Victoria Growney on August 13, 1966. Together they have raised three magnificent children: Larry Sullivan III; Kasey Sullivan Bradstreet, JD; Loretta Sullivan Chang, MD; Brian Sullivan; and Jason Lally, their foster child who is part of their extended family. Their four grandchildren, Liam, Andrew and Thomas Chang, and Oscar Bradstreet bring them untold joy.

Dr. Sullivan joined the medical staff of O'Connor Hospital as an anesthesiologist in 1975 and has served there until his retirement. From 1982 to 1988 he served as Clinical Assistant Professor of Anesthesia at Stanford University School of Medicine. At O'Connor Hospital he was Anesthesia Department Chair, a member of the Critical Care Committee, President of the Medical Staff, Member of the Hospital's Board of Directors, and Chair of the Medical Staff Advisory Committee. He was honored in 2011 with the Vincentian Spirit Award given by O'Connor Hospital.

Dr. Sullivan has given generously of his time and talents to his professional community as a member of the Santa Clara County Medical Association, the American Medical Association, The California Society of Anesthesiologists, the American Society of Anesthesiologists (CSA) and the California Medical Association. From 1997 to 2006 he served on a Specialty Delegation to the CMA House of Delegates and received the Distinguished Service Award from the CSA in 2009.

Larry served as a referee and coach of the American Youth Soccer Association in Palo Alto, and was Scoutmaster of Troop 57, Stanford Area Council, where he guided 35 Scouts to Eagle Scout rank.

Mr. Speaker, I ask my colleagues to join me in honoring an extraordinary physician, a devoted son, husband, father, grandfather, vital member of our community, and a treasured personal friend. Larry Sullivan is a man of integrity and he lives a life instructed by his faith. I have never met a finer human being or a finer family. How proud I am to call them my friends and to have the privilege of representing them. I ask the entire House of Representatives to join me in wishing my dear friend Larry, a great and good man, and his devoted wife Vicky, every blessing that retirement has to offer.

## HONORING CONGRESSMAN THOMAS JEFFERSON BARLOW III

### HON. JAMES COMER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. COMER. Mr. Speaker, I rise today to honor the life and legacy of Thomas Jefferson Barlow III, a former member of this honorable body, who died Tuesday January 31, 2017, at the age of 76.

Mr. Barlow, a Democrat, represented the citizens of Kentucky's 1st Congressional District from January 3, 1993, until January 3, 1995. He was not a typical politician. In 1992, he defeated a nine-term incumbent in what was one of the country's biggest upsets of that political cycle. He was outspent in that campaign by more than 4 to 1 and won because of his hard work and downhome, face-to-face campaign style. He narrowly lost his reelection bid in the Republican wave of 1994.

Mr. Barlow was a tremendous public servant who had a positive impact on thousands of people. He was dedicated to making lives better but never sought fame or glory. He got satisfaction out of having his voice heard and influencing public policy.

He was born in Washington, D.C., but his family roots ran deep in Ballard County, Ky., where his ancestor and name sake, Thomas Jefferson Barlow, was an original settler in the town of Barlow. He grew up in Chevy Chase, Maryland and graduated from Sidwell Friends School in Washington, D.C. He received a degree in history from Haverford College near Philadelphia, Pennsylvania.

In his political career and private life, he worked tirelessly to help the less fortunate, create jobs, improve the environment and improve education. His professional career included work in state government, as a business executive, a banker and as a consultant for the Natural Resources Council from 1972 until 1983 when he returned to his family roots in western Kentucky.

Although he lost his reelection bid in 1994, he was not discouraged and continued to make his voice heard by running additional races for the House and the U.S. Senate. In fact, Mr. Speaker, he used the same vehicle in all of his campaigns and its speedometer topped 400,000 miles when it finally wore out after 13 years. He was always outspoken and stood up for that he felt was right, even if it was in opposition to the views of his political party.

He lived with his wife of 28 years, Shirley Pippin Barlow, in Paducah, Kentucky, where he was a former director of the River City Mission, which helped homeless get on their feet, and the Lone Oak Kiwanis Club. He also was an active member of Grace United Methodist Church in La Center, Kentucky.

In addition to his wife, he is survived by a daughter, Allison Barlow Ochshorn of New York; a son, Thomas J. Barlow IV of Michigan; grandchildren, Nora Barlow and Rose Barlow who live in England, Tessa Ochshorn and Sarah Ochshorn both of New York; a sister, Henrietta Friedholm of Michigan; a brother, William Barlow of Colorado; step-children, Gerri Clark of Paducah, Elaine Duke of Tennessee, Edward Yancy of Kentucky; step-grandchildren, Chad Clark of Kentucky, Brandon Duke of Tennessee, Eliza Clark of Kentucky, and Wesley Duke of Tennessee.

Funeral services will be held at 2 p.m. Saturday at Milner & Orr Funeral Home and Cremation Services of Paducah, Kentucky, with Rev. Jamie Curtis and Pastor Charles Moore officiating. Burial will follow at Woodlawn Memorial Gardens. Visitation will begin at 10 a.m. Saturday at the funeral home.

## HONORING VALERIE SALMONS ON 35 YEARS OF SERVICE TO THE VILLAGE OF BARTLETT

### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. ROSKAM. Mr. Speaker, I rise today to honor a distinguished public servant from the Illinois's 6th Congressional District. Valerie Salmons has dedicated many years to her community, including 35 years with the Village of Bartlett. Valerie's service is not limited to Bartlett, as she has made many positive impacts throughout the greater Chicago area.

In 1982, Valerie was hired by the Village of Bartlett as their first full-time Village Administrator. Since then, the Village's population has grown three fold and is now considered home by more than 30,000 people. The Village's growth did not stop there. Along with an increasing population, the Village has doubled its size from eight to almost sixteen square miles. She has been an asset to numerous presidents, managers, and board members, who have been a part of Bartlett Village Hall. Current Village President Kevin Wallace noted Valerie's leadership was ''very comforting'' saying, ''She has been a wonderful Village Administrator, and the proof is in the way the Village operates''.

While working full time to serve her community, Valerie fostered economic development and broadened Bartlett's commercial tax base. She has helped lead the municipal staff with major changes to the downtown, and was a major force behind the many successful commercial projects, such as the Brewster Creek Business Park, Bluff City Industrial Park and Blue Heron Business Park. She also played an essential role in the development of parks, playgrounds, athletic fields and bike paths, while always practicing careful fiscal management.

In addition to her work for Bartlett, Valerie was the first woman appointed to the Illinois Law Enforcement Training and Standards Board in 1990. Former Gov. Jim Thompson initially named Valerie, and five Illinois governors have reappointed her since. She was also the first woman elected to serve as the board's chairwoman.

Through hard work and no small amount of perseverance, Valerie has helped countless people and tremendously improved her community. Distinguished Members, please join me in congratulating Valerie on 35 years of service and wish her well in retirement.

## IN RECOGNITION OF ANGELA PLOWMAN'S 30 YEARS OF PUBLIC SERVICE

### HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mrs. COMSTOCK. Mr. Speaker, I am honored to recognize a local attorney in Virginia's 10th District, Angela Plowman, who will be departing from her position as Town Attorney of Middleburg. For nearly 20 years, Mrs. Plowman has served Loudoun County and the Middleburg community, serving both as an Assistant County Attorney and as a Town Attorney for the Middleburg Town Council.

She began her career in Loudoun County in 1999 as an Assistant County Attorney. In this position, she was responsible for handling a wide range of legal affairs and provided legal guidance to county attorneys and council members. Given her strong work ethic and dedication to her community and the law, Mrs. Plowman became the Town Attorney for the Middleburg Town Council in 2012. In this role, she worked in close collaboration with the town council and represented Middleburg's interests thoroughly.

In addition to practicing law, Mrs. Plowman has exemplified her dedication to our Loudoun County community by serving in a leadership role as a board member of the Loudoun Habitat for Humanity—an organization that builds homes for those who are in need in the 10th District.

Mrs. Plowman lives in Loudoun along with her husband Jim, our Commonwealth Attorney for Loudoun County, and their three children. She will continue to practice law in the area and plans to remain very involved in local affairs.

Mr. Speaker, I now ask that my colleagues join me in recognizing Mrs. Plowman's years of public service. Today, we honor and celebrate the contributions she has made to the town and all its citizens. I wish her all the best in her future endeavors.

## HONORING WILTON A. LANNING

### HON. BILL FLORES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. FLORES. Mr. Speaker, I rise today to honor Wilton A. Lanning of Waco, Texas, who upon his retirement from the Waco Business League, received the Waco Business League Lifetime Achievement Award. This award was established in 2009 to honor individuals in the Waco community that embody the exemplary ideals and values of society, and have had a substantial impact on the community.

As Executive Director of the Waco Business League, Wilton Lanning utilized his wealth of experience and his love for the city of Waco to support local businesses, grow the economy, and foster opportunity. He also serves as a member of the Board of the Brazos Higher Education Service Corporation, where he furthers their goal of providing students and families with resources they need to make informed decisions about financing their higher education and building a better life.

Some of Wilton's notable past contributions to the Waco business community include serving on the boards of Hillcrest Baptist Medical Center, the Waco Industrial Foundation, and the Waco Mammoth Foundation. Wilton is a past Chairman of the Greater Waco Chamber of Commerce, member of the Board of the Vanguard College Preparatory School, and past Chairman of the Board of the YMCA.

Though transcending his influence in the business community, Wilton has built his life on a foundation of serving and giving back to others—a value he learned as an Eagle Scout and certainly reinforced by his father who served as a captain in the U.S. Army. Wilton has been a life-long supporter of Baylor University and an active member of the Baylor Alumni Association. In fact, his family has received the Baylor Alumni Association's First Family of Baylor Award. He has received the National Philanthropy ''Lifetime Achievement Award'' and the Waco Junior Chamber of Commerce has recognized him with their ''Distinguished Service Award.''

Mr. Speaker, Wilton A. Lanning worked tirelessly to better the Waco community. From his 40 years at Waco's then-oldest business, Padgitt's, to his time with the Business League, Wilton has certainly left an enduring impression on Central Texas. He will always be known as a great philanthropist and businessman; but I am confident that above all else he would want to be known first as a husband to LaNell, father to Bill and Robert, and servant of Christ through his leadership at Columbus Avenue Baptist Church.

Today, I have requested that a United States flag be flown over the United States Capitol to honor the many contributions of Wilton A. Lanning.

As I close, I urge all Americans to continue praying for our country during these difficult times, for our military men and women who protect us from external threats, and for our first responders who protect us here at home.

## IN RECOGNITION OF JOSH AIRHEART'S SERVICE TO BOY SCOUT TROOP 59

### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. HUDSON. Mr. Speaker, I rise today to recognize Mr. Josh Airheart for his service to Boy Scout Troop 59 in Concord, North Carolina. Mr. Airheart has served as Scoutmaster of Troop 59 for 15 years and will soon be retiring from the position.

Having lived in Cabarrus County his entire life, Mr. Airheart has established himself as a staple of our community. He is a lifetime member of New Gilead Church, home of Troop 59, where he began his own scouting career many years ago. In 1987, Mr. Airheart earned the rank of Eagle Scout, showcasing his own commitment to service.

Beginning in 2002, Mr. Airheart returned to Troop 59 as Scoutmaster. Recognizing the significant impact scouting had on his own life, he began to share his passion with the young men of the troop. The troop then continued to blossom under his guidance as he helped an impressive 26 members achieve the rank of Eagle Scout. In 2015, he was recognized for his efforts by the Central North Carolina Council as Scoutmaster of the Year.

Along the way, Mr. Airheart has been a living embodiment of the Scout Oath, showing the young men of the troop how to integrate it in everything they do. While he may be leaving his official capacity with Troop 59, I know he will continue to be a role model for all of those in our community.

Mr. Speaker, please join me today in recognizing Mr. Josh Airheart for his dedication and commitment to service as Scoutmaster of Troop 59.

## CONGRATULATIONS TO MRS. LUZ GAMBOA RANGEL

### HON. WILL HURD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. HURD. Mr. Speaker, I rise today to recognize the 107th birthday of Luz Gamboa Rangel of Crystal City, Texas.

Luz was born on the Texas-Mexico Border on February 8, 1910 and moved to Texas with her mother and brother in 1914. She has lived in South Texas for the past 103 years. Most of those years have been spent on the same piece of land in Crystal City, Texas—a gift from her husband after they married. Today Luz loves spending time with family and making use of her good sense of humor. Luz has seen more in her lifetime than many of us likely ever will and I have no doubt that we could all learn a thing or two from her. Luz's family and community are blessed to have her as part of their lives.

On behalf of the Twenty-third Congressional District of Texas, congratulations to Mrs. Luz Gamboa Rangel on turning 107 years old, and may she celebrate many more.

## INTRODUCTION OF THE JOINT RESOLUTION PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE FINAL RULE OF THE UNITED STATES FISH AND WILDLIFE SERVICE RELATING TO THE USE OF COMPENSATORY MITIGATION AS RECOMMENDED OR REQUIRED UNDER THE ENDANGERED SPECIES ACT OF 1973

### HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce legislation disapproving of the Compensatory Mitigation Policy (CMP) rule finalized in the final days of the Obama administration. On December 27, 2016, the U.S. Fish and Wildlife Service (USFWS) released its final Endangered Species Act (ESA) CMP, which violates existing environmental law and puts future economic development across the country at risk. This rule establishes policies that are a significant departure from existing practices regarding compensatory mitigation and limits private-sector, voluntary involvement in developing compensatory mitigation plans. My legislation utilizes the Congressional Review Act to block this dangerous rule and will prevent the potential catastrophic impacts it would have on our nation's economy.

The CMP exceeds USFWS' statutory authority by adopting the mitigation goals of ''net conservation gain'' and ''no net loss,'' which are not grounded in federal statute. This directive is a significant departure from existing practice and runs counter to current law. The policy will lead to an extensive, time-consuming valuation process in which development projects are required to initiate an assessment process, as well as undertake ''advance mitigation,'' that could tie up many economic projects in burdensome, costly procedures.

This overbroad policy could jeopardize an extensive range of economic development activities in every corner of the U.S., while also impacting a wide-range of industries, including: agriculture, forestry, mining, natural resource development, energy production, conservation projects, and building and road construction. The final CMP will also have significant strategic, legal, and financial implications for development projects large and small, while ensnaring future economic growth in a maze of permitting setbacks and bureaucratic red-tape.

We must protect our country's economic future and ensure burdensome rules and regulations promulgated by a bloated bureaucracy do not threaten desperately needed job creation and economic growth. The integrity of the law is threatened by misguided federal policies like the USFWS's CMP rule, and I urge all members to join me in supporting this legislation to block yet another oppressive and overreaching regulation promulgated by the previous administration.

## RECOGNIZING THE WORK OF THE METROPOLITAN POLICE DEPARTMENT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the work of the Metropolitan Police Department, in particular the Second District, and the Office of the Attorney General for the District of Columbia. Representatives from these agencies worked closely with D.C. residents on Belmont Road NW and the leadership of the Islamic Center of Washington to forge a remedy to a life-threatening situation that had hate-crime implications.

These individuals provided extraordinary guidance and intervention in bringing closure to a situation that had exposed D.C. residents to racial and homophobic slurs, as well as threats of bodily harm, for more than five years.

I therefore rise with pride to salute police officers Lt. Jerome M. Merrill, Sgt. Brian H. Brown, Sgt. Miguel Rodriguezgil, and Mr. James T. Towns, Community Engagement Director, with the Office of the Attorney General. In particular, I applaud the leadership efforts of Dr. Khouj, Imam, and Abassie Jarr-Koroma of the Islamic Center of Washington, and A. Mario Castillo, a resident of Belmont Road, who coordinated the teamwork on. this matter.

This civic success story brings to mind a fitting quote attributed to the great American poet and writer Maya Angelou, ''It's good to remember that in crises, natural crises, human beings forget for a while their ignorance, their biases, their prejudices. For a little while, neighbors help neighbors and strangers help strangers.''

Mr. Speaker, I ask the House of Representatives to join me in applauding my constituents and the law enforcement officers.

## HONORING MILTON BRONSTEIN

### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. LANGEVIN. Mr. Speaker, there are so many ways to describe Mr. Milton Bronstein. He is a kind and generous person, who is always willing to lend a hand when he sees a friend in need. He is a committed and hard-working public servant who puts service above self. He is a capable and respected labor leader who dedicated much of his life to improving conditions for Rhode Island workers. He was a devoted husband to his late wife, Claire. He is a wonderful father to Harvey, Andrew, and Cindy.

And to me and to so many other Rhode Islanders, Milton—who today turns 100 years old—is a steadfast and dependable friend.

Milton's career started in the Department of Treasury, where he would remain for three decades. He is perhaps best known, however, for his work as a labor organizer, serving as the first president of Rhode Island's AFSCME Chapter, Council 94. Countless laborers in my home state of Rhode Island are better off thanks to his tireless work, and when you speak to labor organizers today, it is clear that Milton has set the gold standard of how to effectively lead. After stepping down as Council 94 president, Milton jumped right back into action, serving as the retiree chapter's vice president until he retired just last year at the age of 99. Even today, at 100 years old, Milton remains a trusted mentor and adviser to many in the labor movement and in public service.

I want to wish a very happy birthday to Milton as he celebrates 100 years of a life well lived. Milton, has been a changemaker in our state and in the lives of those of us who have been lucky enough to know him and work with him. I cannot thank him enough for his service and for his support through the years. Rhode Island owes him a debt of gratitude. Happy birthday.

## HONORING THE CENTENNIAL MILESTONE OF MR. JOHN FIORE, DISTINGUISHED RESIDENT OF SCHENECTADY IN THE STATE OF NEW YORK

### HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. TONKO. Mr. Speaker, I rise today to honor the centennial celebration of John M. Fiore of Schenectady, New York, who turns 100 years old today, February 2nd, 2017.

John was born on February 2, 1917 to Vito and Maria Fiore. He graduated from Mt. Pleasant High School in 1934 and was the first freshman in the class when it opened in 1931.

After graduating John worked for GE as a Production Specialist with more than 45 years of service.

John went on to serve his country in World War II from 1942–1946, and received an honorary discharge as a Corporal.

In 1953 John married Mary Gerardi who passed away in 1972 after a long battle with illness.

He takes great pride in his family. John's parents came from Italy penniless and raised seven children, all of whom lived into their 90s and were outstanding citizens.

John is known to friends and family for his gardening, and shows a generous spirit in sharing fresh produce with his family and friends. Earlier in life John was also an active bowler, golfer and in later years took up duplicate bridge playing three times a week.

John is also a sports fan. He is a longtime fan of the New York Yankees and New York Knicks. One of his greatest joys is rooting for Union College, Notre Dame, and the University of Connecticut, all schools attended by members of his family.

John's greatest role has been that of doting father. He took an active role in his son Nicholas's activities, including Carmen Little League, Babe Ruth, CYO Basketball and Pop Warner Football. Later, he watched his grandson Nicholas, Jr. play recreational basketball. He was also a player agent for Carmen Little League and later served as Commissioner of Rotterdam Babe Ruth.

## NATIONAL RIGHT TO WORK

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. WILSON of South Carolina. Mr. Speaker, I was grateful yesterday to join my friend, Congressman STEVE KING, to introduce the National Right to Work Act.

At least 80 percent of Americans favor barring the forcing of employees to pay dues as a condition of their employment, and this bill would protect workers by eliminating the forced-dues clauses in federal statute. It still allows workers to unionize if they chose to do so—but makes membership voluntary, not mandatory.

Right-to-work states, like South Carolina, have seen first-hand that job creation and economic growth comes from expanded freedoms. Right to work was crucial for South Carolina becoming the leading manufacturer and exporter of tires, with Michelin, Bridgestone, Continental, and Giti, while also being America's largest exporter of cars with BMW and soon Volvo.

I appreciated joining Congressman STEVE KING, with Mark Mix, President of the National Right to Work Committee, on this important issue that will positively promote jobs.

In conclusion, God Bless Our Troops and we will never forget September 11th in the Global War on Terrorism.

## BOND COUNTY BICENTENNIAL

### HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, this year, beautiful Bond County, located in the southeastern part of Illinois, celebrates its becentennial—200 years as a county is a great honor.

Bond County was one of the state's original 11 counties when Illinois applied for statehood

in 1818. It was named after the first governor of Illinois, Shadrach Bond who helped develop the first big transportation and infrastructure project for Illinois.

Bond County has witnessed many moments in our nation's history. Both Abraham Lincoln and Stephen Douglas gave speeches there in 1858 for their Senatorial election and the Liberty Bell made its way through the county in 1915. Additionally, President Ronald Reagan appeared there in 1980 for a campaign speech.

Bond County is also home to Greenville College, a 4-year Christian university founded on prayer that focuses on the pillars of faith and community to advance students' learning. Greenville facilitated multiple mission trips, study abroad programs, and home-service projects in 2016.

There is much for the citizens of this county to be proud of. A county with such a rich history of beauty, politics, and pride deserves to be recognized after 200 fantastic years.

## IN RECOGNITION OF KAREN SHORTER

### HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize the 15th year anniversary of the organ donation made by one of my constituents, Karen Shorter, of Manassas Park, Virginia. On July 30th, 2002, Ms. Shorter donated one of her kidneys to Janet Melson Burns, a neighbor in need. Together they volunteered at the National Kidney Foundation as members of their Speaker's Bureau. Through the Foundation's Speaker's Bureau they both came to Capitol Hill where they spoke on the importance of the prevention and treatment of various kidney diseases.

Every year, Ms. Shorter and Ms. Burns celebrate a Happy Life Day on the anniversary of their transplant. These two have a ferocious friendship that transcends distance made. This is evident by the fact that even though Janet and her husband live in Atlanta, Georgia, she and Karen still make time for their Happy Life Day celebration. Through the transplant they have come to know personally each other's direct and extended family. This action has brought them closer together as people, neighbors, and friends. I am proud to have Karen Shorter as my constituent in the 10th district and hope she continues to share her heartwarming story on organ donation. In addition to her selfless act of kindness, Ms. Shorter recently retired after 25 years of government service to the Federal Bureau of Prisons in Washington, DC and I thank her for her service.

Mr. Speaker, I ask my colleagues to join me in applauding Ms. Shorter for her actions and volunteer work and to wish them a ''Happy Life Day'' when they meet in Charleston, South Carolina this July.

## IN RECOGNITION OF MARGARET MARY CANTY, RSCJ AS SHE CELEBRATES HER 50TH JUBILEE AS A RELIGIOUS OF THE SACRED HEART

### HON. DEBBIE DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mrs. DINGELL. Mr. Speaker, I rise today to recognize Margaret Mary Canty, RSCJ for her life and service and work on behalf of the southeast Michigan community. As a former headmistress and current member of the Academy of the Sacred Heart's Board of Trustees, Sister Canty has served the school and community at large through her tireless efforts and service.

As Headmistress of the Academy of the Sacred Heart in Bloomfield Hills from 1988 through 2000, Sister Canty's leadership played a critical role in helping the school grow and evolve to meet the needs of the students, staff and community at large. Under Sister Canty, the school established the Early Childhood Program and oversaw a successful capital campaign that allowed it to expand its science facilities and build a new After School Learning center. These actions helped the Academy of Sacred Heart modernize and serve a new generation of students. After she left Sacred Heart in 2000, Sister Canty worked with the Kenwood Academy (now Doane Stuart) in New York, in a variety of positions to help the school restructure and serve its retired RCSJs. Today, Sister Canty serves on the Academic of the Sacred Heart's Board of Trustees, where she provides guidance and advice to the school.

Sister Canty's life of service and leadership has inspired a new generation of thoughtful and community-minded students and educators. Her tenure at both Sacred Heart and Doane Stuart was transformative, and the initiatives that she has championed continue to help cultivate a new generation of Sacred Heart leaders. It is my hope that these institutions will build on Sister Canty's legacy of excellence in the coming years.

Mr. Speaker, I ask my colleagues to join me in honoring Margaret Mary Canty, RSCJ on her 50th Jubilee for her lifetime of service and accomplishments. Sister Canty has served the southeast Michigan community well through her work with the Academy of the Sacred Heart and the critical role her involvement played in its growth and development.

## TRIBUTE TO EDGAR AND NANCY MUENZER AND THE PARK RIDGE CIVIC ORCHESTRA

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize the work of the late Edgar and Nancy Muenzer, co-founders of the Park Ridge Civic Orchestra. To honor their hard work and tireless commitment, the Park Ridge Civic Orchestra will be presenting a ''Founders Memorial Concert'' on Wednesday, February 8, 2017 featuring Chicago Symphony Orchestra violinist David Taylor as guest soloist at The Pickwick Theatre in Park Ridge, Illinois.

The Park Ridge Civic Orchestra (PRCOrchestra) features more than 70 professional musicians, renowned soloists, and top-ranked student talents and serves the north and northwest areas of Chicago, its suburbs, and beyond. Founded in 1994 by veteran Chicago Symphony Orchestra first violinist Edgar Muenzer, his wife Nancy, and a cadre of devoted supporters, the PRCOrchestra fulfilled the Muenzer's wish to give back after a rewarding lifetime in professional music. Now led by a group of local business owners, musicians, civic leaders, and others, the PRCOrchestra continues to bring enriching, live classical music to the community.

The PRCOrchestra's founder Edgar Muenzer was the orchestra's conductor and music director for two decades from 1994 to 2014. A longtime Park Ridge resident with his wife Nancy, Edgar brought many years of performing, conducting, and teaching to this role. In 2014, Edgar stepped down from the position of Music Director, giving the reins to his son, current PRCOrchestra Music Director Victor Muenzer. He then continued to serve as Music Director Emeritus until his death in 2016. Among the many honors he earned during his illustrious life, Maestro Muenzer was named Conductor of the Year by the Illinois Council of Orchestras. Edgar and his wife Nancy also earned the Illinois Humanities Council Studs Terkel Humanities Service Award for their tireless commitment to bringing inspiring music to the community.

Nancy K. Muenzer was the co-founder of the Park Ridge Civic Orchestra and wife of Edgar Muenzer. A driving force behind the Orchestra's successful development, the charismatic Mrs. Muenzer worked tirelessly to inspire and enlist major sponsors and donors in support of the Orchestra. Through Mrs. Muenzer's direct efforts and that of the generous music-lovers she recruited, the PRCOrchestra performed five major concerts each year at the historic Pickwick Theatre in Park Ridge. Mrs. Muenzer also managed an array of special events and smaller concerts in between. Mrs. Muenzer continued in her role until 2014, helping the Orchestra transition to the next generation.

Mr. Speaker, I ask the House of Representatives to join me in honoring the late Edgar and Nancy Muenzer and the members of the Park Ridge Civic Orchestra for their dedication to cultivating enriching classical music in the community. I congratulate and wish each of them every success in their upcoming ''Founders Memorial Concert.'' Illinois's Ninth Congressional District is proud to be home to the brilliantly talented members of this organization, and for their outstanding gifts, leadership, and service, these members are worthy of the highest praise.

## IN MEMORY OF LOUISE EPTING

### HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. ROHRABACHER. Mr. Speaker, Americans should remember what makes us a great and free country. It isn't a gift. It is earned by those conscientious individuals who get involved, donate their time, and do their share.

Millions of them, from the first generation of Americans until the present time.

Louise Epting was one of these. She was a beloved mother, daughter, sister and grandmother. Born in New York City, the former bobbysoxer and Frank Sinatra devotee became a nurse before settling down to raise her three children with her then-husband. Following their divorce in the 1970s, Louise continued to work hard to support her children and ensure their needs were met. Later in life, Louise followed her children to California in order to be closer to them and her future grandchildren. Louise embraced her role as the family's matriarch.

Known by her nickname ''Sugar,'' Louise was also a dedicated volunteer for many Republican causes. She worked tirelessly for everything she believed in, dedicating time and energy to a wide variety of candidates and issues. Working to better her community, she spent countless hours volunteering at the schools her grandchildren attended in Huntington Beach, California.

A fiercely proud American, Louise ''Sugar'' Epting represents true patriotism, and is among the best our country has produced. A devout Catholic, she departs this world to enter the realm of heaven where we know she joins so many of her loved ones. Compassionate, caring, and cherished by many, Louise leaves behind a lasting legacy of love for her faith, family, friends, and country.

## PERSONAL EXPLANATION

### HON. SCOTT TAYLOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. TAYLOR. Mr. Speaker, due to my attendance of the dignified transfer ceremony of Chief Special Warfare officer Ryan Owens at Dover AFB, I was unable to vote yesterday. Had I been present, I would have voted YEA on Roll Call No. 72; and YEA on Roll Call No. 73.

## TRIBUTE TO THE DALLAS CENTER-GRIMES MIDDLE SCHOOL MOCK TRIAL TEAMS IN THE FIRST SESSION OF THE 115TH CONGRESS

### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate the members of the 2016 Dallas Center-Grimes Middle School Mock Trial teams on their success at the 33th Annual Iowa Middle School Mock Trial State Competition in Des Moines, Iowa, which took place from November 14 through November 16, 2016.

The state competition featured 34 teams from around the state of Iowa. The two teams representing Dallas Center-Grimes defied expectations when both teams placed among the top ten. The members of the Green team, which placed 8th, were Garrett Bond, Audrey Frett, Dante Chittenden, Megan Grimes, Rachel Becker, Madison Stone, Josh Ward, and Huston Halverson. The members of the Purple Team, which placed 10th, were Molly Patterson, Sierra Sonberg, Alex Romig, Cale Schmitz, Elizabeth Vance, Sierra Mason, Emma Wagner, and Jordan Smith. The coaches of the two teams were Shannon Wallace, Jill Altringer, Kim Cross, Kathryn Pagel, and Jessica McCartan.

Mr. Speaker, the success of these students and coaches exemplifies the rewards of determination, commitment, and team work. I am proud to represent these young leaders in the United States Congress. I ask my colleagues in the United States House of Representatives to join me in congratulating them for their success in the state competition and in wishing them nothing but continued success in school and beyond.

## FINANCIAL SERVICES COMMITTEE RULES

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. SHERMAN. Mr. Speaker, on Thursday, I voted for the Rules Improvement Package suggested by the Ranking Member even though there are elements of the package that would not be needed by the Committee in normal circumstances.

## TRIBUTE TO TERI HUYCK

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Ms. MOORE. Mr. Speaker, Planned Parenthood of Wisconsin (PPWI) President and CEO Teri Huyck will retire on February 3, 2017, after leading Wisconsin's largest most trusted non-profit health care organization for nine years.

Teri Huyck came to Planned Parenthood of Wisconsin during a difficult time as interim director in 2008. She had been the Vice President and Chief Operating Officer of Planned Parenthood Chicago. Upon her arrival, the morale and financial stability of the Wisconsin Chapter of Planned Parenthood improved and eight months later, Teri Huyck dropped ''interim'' from her title and officially took over as president and CEO. She began an aggressive fundraising campaign that raised an additional $500,000 and reorganized the organization.

Currently, Planned Parenthood of Wisconsin employs about 200 people and has a $21 million annual budget that comes from state and federal funding, Medicaid and private-pay patients and private donations. Planned Parenthood provides health care to about 70,000 men and women a year across the state providing services that include: annual exams, cancer screening, colonoscopies, pregnancy testing and counseling, sexually transmitted disease testing and treatment, and abortions. Family planning and prevention accounts for more than 95 percent of the services Planned Parenthood of Wisconsin performs. The organization gives out 200,000 cycles of birth control pills per year. The majority of the women and men who come here are not seeking an abortion.

Ms. Huyck has made it her mission to be transparent and tells the unvarnished truth to everyone she meets. A self-proclaimed ''farm girl from Ohio,'' she joined the Planned Parenthood organization following a career as a hospital administrator in Ohio and Illinois who wanted to combine her skills in the health care field with her passion for women's issues. Teri remembers when Roe v. Wade was decided and learned her passion for women's issues from her mother. Teri's childhood friend was raped and as a result became pregnant in the mid-1970s. The friend chose abortion and was treated poorly. This incident left a lasting impression on her as well.

Teri has a Bachelor's degree in Psychology with high honors from Ohio State University and a Master's degree in Hospital and Health Administration from Xavier University in Cincinnati.

I am grateful to have had the opportunity to know and work with Teri since she assumed her role at Planned Parenthood of Wisconsin. We have stood together on many issues to ensure both women and men in Wisconsin have access to health care. I join with her family, friends and colleagues to congratulate her on her retirement. I wish her much success as she transitions into a different phase of her life with her husband, Perry who recently retired, as well. Mr. Speaker, I am proud to honor Teri Huyck. The citizens of the Fourth Congressional District and the State of Wisconsin are privileged to have someone of her ability and dedicated service working on their behalf for so many years. I am honored for these reasons to pay tribute to Ted Huyck.

## IN RECOGNITION OF JEFF DUBÉ

### HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mrs. COMSTOCK. Mr. Speaker, I rise to acknowledge Lieutenant Jeff Dubé who recently departed from the Leesburg Police Department after 23 years of service. Throughout Lt. Dubé's impressive career at the department, he always maintained a strong attitude and a willingness to embrace new roles and responsibilities. Additionally, before joining the Leesburg Police Department, Lt. Dubé served eight years on active duty in the U.S. Marine Corps.

During his tenure at the Leesburg Police Department, Lt. Dubé served in many roles, including field training officer, shift supervisor, training officer, civil disturbance unit commander, recruitment and hiring, property and evidence and the accreditation manager. Additionally, Lt. Dubé enjoyed liaising with the media, as he tried to keep the community informed about human interest stories as well as emergencies as they unfolded.

Police officers come from all walks of life to serve and protect their fellow citizens. Officers, like Lt. Dubé, place their lives in jeopardy so that the rest of us may rest easy and the constituents of the 10th District are indebted to their dedication. The work he has done to selflessly serve our community and our country is an inspiration, and it is an honor to represent him.

Mr. Speaker, I ask my colleagues to join me in applauding Lt. Jeff Dubé for his dedication to

serving our community and country for so many years. I wish him the best in retirement and in all of his future endeavors.

## BOND COUNTY'S HEALTH DEPARTMENT 50TH ANNIVERSARY

### HON. RODNEY DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 2, 2017*

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, this year, Bond County's Health Department celebrates fifty years of serving the community.

For five decades, healthcare professionals at Bond County Health Department have provided citizens with important health services such as immunizations, dental clinics, maternal and child health education, and much more. Their mission to promote good health, safety, and sanitation has helped thousands of people across the area.

The Bond County Health Department has excelled at meeting the needs of the population it serves. Whether it be assisting seniors with home healthcare, inspecting the food safety of community restaurants, or helping new parents with infant and child resources, Bond County Health Department has been an important part of southwestern Illinois. For half a century, they have worked to improve public health in the region and have provided valuable education to the citizens of Bond County.

I understand the important role of institutions like Bond County Health Department and I commend its staff for all of their hard work over the years. Congratulations on your 50th anniversary, and I wish you all the best in the years to come.

# *Daily Digest*

# Senate

## *Chamber Action*

*Routine Proceedings, pages S609–S661*

**Measures Introduced:** Twenty-three bills and two resolutions were introduced, as follows: S. 275–297, and S. Res. 42–43. **Pages S655–56**

**Measures Reported:**

S. Res. 42, authorizing expenditures by the Committee on Environment and Public Works. **Page S655**

**Measures Passed:**

***Stream Protection Rule:*** By 54 yeas to 45 nays (Vote No. 43), Senate passed H.J. Res. 38, disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule. **Pages S611–32**

***Honoring the Life of Eugene A. "Gene" Cernan:*** Committee on the Judiciary was discharged from further consideration of S. Res. 27, honoring the life and achievements of Eugene A. "Gene" Cernan, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S660–61**

Crapo (for Cruz/Nelson) Amendment No. 190, to amend the preamble. **Pages S660–61**

***National Mentoring Month:*** Senate agreed to S. Res. 43, recognizing January 2017 as National Mentoring Month. **Page S661**

**Measures Considered:**

**SEC Resource Extraction Resolution of Disapproval—Agreement:** Senate began consideration of H. J. Res. 41, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers", after agreeing to the motion to proceed. **Pages S634–53**

By 52 yeas to 48 nays (Vote No. 50), Senate agreed to the motion to proceed to consideration of the joint resolution. **Page S634**

Prior to the consideration of this measure, Senate took the following action:

By 52 yeas to 48 nays (Vote No. EX. 49), Senate agreed to the motion to proceed to Legislative Session. **Page S634**

A unanimous-consent agreement was reached providing for further consideration of the joint resolution at approximately 6:30 a.m., on Friday, February 3, 2017, with no debate time remaining; and that following disposition of the joint resolution, Senate vote on the motion to invoke cloture on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education, Rule XXII notwithstanding. **Page S661**

**Sessions Nomination—Cloture:** Senate began consideration of the nomination of Jeff Sessions, of Alabama, to be Attorney General. **Page S632**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education. **Page S632**

Prior to the consideration of this nomination, Senate took the following action:

By 53 yeas to 45 nays (Vote No. 44), Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S632**

**Price Nomination—Cloture:** Senate began consideration of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services. **Page S633**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Jeff Sessions, of Alabama, to be Attorney General. **Page S633**

Prior to the consideration of this nomination, Senate took the following action:

By 51 yeas to 47 nays (Vote No. EX. 45), Senate agreed to the motion to proceed to Legislative Session. **Pages S632–33**

By 51 yeas to 48 nays (Vote No. 46), Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S633**

**Mnuchin Nomination—Cloture:** Senate began consideration of the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

Page S633

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Page S633

Prior to the consideration of this nomination, Senate took the following action:

By 52 yeas to 47 nays (Vote No. EX. 47), Senate agreed to the motion to proceed to Legislative Session. Page S633

By 51 yeas to 48 nays (Vote No. 48), Senate agreed to the motion to proceed to Executive Session to consider the nomination. Page S633

**Messages from the House:** Page S655

**Measures Placed on the Calendar:** Page S655

**Executive Reports of Committees:** Page S655

**Additional Cosponsors:** Page S656

**Statements on Introduced Bills/Resolutions:** Page S657

**Additional Statements:** Page S654

**Amendments Submitted:** Page S660

**Record Votes:** Eight record votes were taken today. (Total—50) Pages S632–634

**Adjournment:** Senate convened at 11 a.m. and adjourned at 8:06 p.m., until 6:30 a.m. on Friday, February 3, 2017. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S661.)

## *Committee Meetings*

*(Committees not listed did not meet)*

### BUSINESS MEETING

*Committee on the Budget:* Committee ordered favorably reported the nomination of Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

### BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following business items:

An original resolution (S. Res. 42) authorizing expenditures by the committee, and adopted its rules of procedure for the 115th Congress; and

The nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

### BUSINESS MEETING

*Committee on Homeland Security and Governmental Affairs:* Committee ordered reported without recommendation the nomination of Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced: 27 public bills, H.R. 816–842; and 7 resolutions, H.J. Res. 60–61; H. Con. Res. 19; and H. Res. 82–85, were introduced.** Pages H943–45

**Additional Cosponsors:** Page H946

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Bost to act as Speaker pro tempore for today. Page H881

**Recess:** The House recessed at 10:48 a.m. and reconvened at 12 noon. Page H886

**Recess:** The House recessed at 12:54 p.m. and reconvened at 1:05 p.m. Page H893

**Recess:** The House recessed at 1:38 p.m. and reconvened at 1:41 p.m. Page H894

**Disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation:** The House passed H.J. Res. 37, disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, by a recorded vote of 236 ayes to 187 noes, Roll No. 76.

Pages H907–16

H. Res. 74, the rule providing for consideration of the joint resolutions (H.J. Res. 36) and (H.J. Res. 37) was agreed to by a recorded vote of 232 ayes to

190 noes, Roll No. 75, after the previous question was ordered by a yea-and-nay vote of 230 yeas to 188 nays, Roll No. 74. **Pages H888–93, H893–94**

**Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007:** The House passed H.J. Res. 40, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, by a recorded vote of 235 ayes to 180 noes, Roll No. 77. **Pages H894–H907, H916–17**

H. Res. 71, the rule providing for consideration of the joint resolutions (H.J. Res. 40) and (H.J. Res. 41) was agreed to yesterday, February 1st.

**Electing members to the Joint Committee of Congress on the Library and the Joint Committee on Printing:** The House agreed to discharge from committee and agree to H. Res. 82, electing members to the Joint Committee of Congress on the Library and the Joint Committee on Printing. **Page H917**

**Senate Message:** Message received from the Senate today appears on page 921.

**Quorum Calls—Votes:** One yea-and-nay vote and three recorded votes developed during the proceedings of today and appear on pages H893–94, H894, and H916–17. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 6:23 p.m.

# *Committee Meetings*

### BUSINESS MEETING

*Committee on Armed Services:* Full Committee held a business meeting for consideration of the committee oversight plan for 115th Congress. The committee adopted its oversight plan.

### THE CONGRESSIONAL BUDGET OFFICE'S BUDGET AND ECONOMIC OUTLOOK

*Committee on the Budget:* Full Committee held a hearing entitled ''The Congressional Budget Office's Budget and Economic Outlook''. Testimony was heard from Keith Hall, Director, Congressional Budget Office.

### HELPING STUDENTS SUCCEED THROUGH THE POWER OF SCHOOL CHOICE

*Committee on Education and the Workforce:* Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled ''Helping Students Succeed Through the Power of School Choice''. Testimony was heard from public witnesses.

### PATIENT RELIEF FROM COLLAPSING HEALTH MARKETS

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing entitled ''Patient Relief from Collapsing Health Markets''. Testimony was heard from J.P. Wieske, Deputy Commissioner of Insurance, State of Wisconsin; and public witnesses.

### REAUTHORIZATION OF NTIA

*Committee on Energy and Commerce:* Subcommittee on Communications and Technology held a hearing entitled ''Reauthorization of NTIA''. Testimony was heard from public witnesses.

### ORGANIZATIONAL MEETING

*Committee on Financial Services:* Full Committee held an organizational meeting for the 115th Congress. The committee adopted its rules for the 115th Congress.

### ISRAEL, THE PALESTINIANS, AND THE UNITED NATIONS: CHALLENGES FOR THE NEW ADMINISTRATION

*Committee on Foreign Affairs:* Subcommittee on the Middle East and North Africa; and Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, held a joint hearing entitled ''Israel, the Palestinians, and the United Nations: Challenges for the New Administration''. Testimony was heard from public witnesses.

### THE FUTURE OF THE TRANSPORTATION SECURITY ADMINISTRATION

*Committee on Homeland Security:* Subcommittee on Transportation and Protective Security held a hearing entitled ''The Future of the Transportation Security Administration''. Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Full Committee held a markup on H.R. 720, the ''Lawsuit Abuse Reduction Act of 2017''; and H.R. 725, the ''Innocent Party Protection Act''. H.R. 720 and H.R. 725 were ordered reported, without amendment.

### IMPROVING SECURITY AND EFFICIENCY AT OPM AND THE NATIONAL BACKGROUND INVESTIGATIONS BUREAU

*Committee on Oversight and Government Reform:* Full Committee held a hearing entitled ''Improving Security and Efficiency at OPM and the National Background Investigations Bureau''. Testimony was heard from Kathleen McGettigan, Acting Director, Office

of Personnel Management; Cord Chase, Chief Information Security Officer, Office of Personnel Management; Charles Phalen, Director, National Background Investigations Bureau; David DeVries, Chief Information Officer, National Background Investigations Bureau; and Terry Halvorsen, Chief Information Officer, Department of Defense.

**MISCELLANEOUS MEASURES**

*Committee on Oversight and Government Reform:* Full Committee concluded a business meeting on the committee's oversight and authorization plan; and markup on H.R. 194, the ''Federal Agency Mail Management Act of 2017''; H.R. 702, the ''Federal Employee Antidiscrimination Act of 2017''; H.R. 679, the ''Construction Consensus Procurement Improvement Act of 2017''; and H.R. 657, the ''Follow the Rules Act''. The committee adopted its authorization and oversight plan. The following bills were ordered reported, as amended: H.R. 679 and H.R. 657. The following bills were ordered reported, without amendment: H.R. 194 and H.R. 702.

## *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 3, 2017

*(Committee meetings are open unless otherwise indicated)*

**Senate**

No meetings/hearings scheduled.

**House**

No hearings are scheduled.

*Next Meeting of the* **SENATE**

**6:30 a.m., Friday, February 3**

**Senate Chamber**

**Program for Friday:** Senate will vote on passage of H.J. Res. 41, SEC Resource Extraction Resolution of Disapproval.

Following disposition of H.J. Res. 41, Senate will vote on the motion to invoke cloture on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**9 a.m., Friday, February 3**

**House Chamber**

**Program for Friday:** Consideration of H.J. Res. 36—Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to ''Waste Prevention, Production Subject to Royalties, and Resource Conservation''.

## Extensions of Remarks, as inserted in this issue

HOUSE



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