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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. BACON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 8, 2017.

I hereby appoint the Honorable DON BACON 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. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

PUERTO RICO 6 WEEKS AFTER HURRICANE MARIA

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

Mr. GUTIÉRREZ. Mr. Speaker, Monday I returned from my third trip to Puerto Rico since Hurricane Maria devastated the island almost 2 months ago.

I wish I could report that a lot of progress is being made, but I can't. It is still a disaster, and it is a stain on the reputation of the United States of America.

Most places don't have power. Generators, the sound you hear humming

in every corner of the island like metallic coquis, are running ragged from overuse.

In many places, the water is not on because the power is not on to pump it, and drinkable water mixes with sewer water all over the island. As you can see from this picture, people are tapping mountain springs and, in this case, are using it mostly for laundry, thank goodness, because the mountain water in many cases is contaminated from humans and animals.

This man is a police officer, first responder, but he is learning to make do just like every other Puerto Rican family. Everywhere you go, you see Puerto Ricans making do.

So think about your life without power, cell service, water, lights, fans, in some cases food. Imagine the dialysis patient or the elderly man in an electric wheelchair who uses oxygen tanks to breathe. I met those people in Puerto Rico.

How do you get to physical therapy or regular prenatal visits when there are still roads and bridges that have simply vanished?

On the one hand, when I am in Puerto Rico, I am confronted by the very best of mankind, the people who are helping strangers, feeding their neighbors, and pitching in wherever they can.

On the other hand, when I am in Puerto Rico, I am confronted with the human tragedy of people who, like all of us, depend on the government for basic assistance and help after a major disaster and have received nothing.

Yes, the damage is massive, but there is no task Americans cannot accomplish if we put our minds and backs into it.

Mr. Speaker, this is the Head Start building in Loiza. As you can see, the roof is torn up and there is metal sheeting that was blown around. The people in Loiza are forming a brigade to rebuild the structure so they can reopen the Head Start building.

One of the things I was doing in Loiza was bringing money to get them started, raised by the Puerto Rican Agenda in Chicago from the people of Chicago. Individuals in Chicago are investing in the well-being of people in Loiza. They have never met them, but they are investing in them.

They are not calling in expensive contractors or companies from Montana, and they are not waiting for the folks from FEMA or the U.S. military. They are not waiting for Donald Trump to grant Puerto Ricans a little more time now that he has made it clear that he will not personally give them his grade A help forever. Nope. The people of Chicago are getting help to the people of Puerto Rico before any official resources are coming to their rescue.

It boggles the mind that it has come to this.

Here is another more difficult case. A bridge and a road were washed away by the storm. This is near Jayuya, Puerto Rico, but it could be almost anywhere on the island. More than 6 weeks after the storm and nothing, not even orange cones or a guardrail to keep people from driving off into danger.

If you live up the side of this hill, you are not going anywhere any time soon until something changes, because the Army Corps of Engineers has decided just to not show up and are missing in action.

Mr. Speaker, I should not have to give this speech almost 2 months after the storm. We should have accomplished much more. The people of Puerto Rico pretty much understand that President Trump doesn't want to help them and really doesn't care.

The passports and documents that they have that say citizens of the United States should have been printed with small print that says: Yes, Puerto Ricans are citizens of the U.S. for the purposes of being drafted and going to war, but not when it comes to being helped.

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

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



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Puerto Ricans are coming to grips with how little they can expect from the President and his administration.

They are finding ways to make do, just as the people of Chicago are making do by sending their own help in their own way. It shouldn't have had to come to this, but it has.

Puerto Ricans are learning to make do, just like these two young women who are getting married on the beach in Vega Alta, Cerro Gordo. I met them. They let me take this picture.

Life goes on, even when the government has turned its back on them.

VISITING PREGNANCY RESOURCE CLINIC DURING NATIONAL ADOPTION MONTH

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, earlier this week, I had the opportunity to visit the Pregnancy Resource Clinic in State College, Pennsylvania, Centre County, Pennsylvania's Fifth Congressional District.

The Pregnancy Resource Center is the only community-funded medical clinic in State College that specifically addresses unplanned pregnancy in a Christ-centered atmosphere. Through education and encouragement, the Pregnancy Resource Center empowers both men and women to make informed life choices.

Mr. Speaker, I had the opportunity to meet with Executive Director Jenny Summers and many members of the Pregnancy Resource Center staff to see, firsthand, the important services that it provides to the region.

The Pregnancy Resource Center, importantly, upholds the sanctity of life. It encourages clients to continue the pregnancy to full term rather than choosing abortion for their unborn child.

Mr. Speaker, this is always important, but even more so this month during National Adoption Month. Each year, loving families adopt thousands of children and provide them with the love and support of a family and their forever home.

I commend the Pregnancy Resource Center for the essential services it provides and celebrate the gift of adoption to both children and parents alike.

REBOOT COMBAT RECOVERY

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on Saturday, the Nation celebrates Veterans Day, a day where we honor all those who have served in the Armed Forces.

As we pay tribute with ceremonies and parades, we must remember that freedom is not free. Many of our veterans live with the effects of war long after they have been discharged.

Mr. Speaker, I recently had the opportunity to learn about a group that is helping combat veterans heal the wounds of war. REBOOT Combat Recovery is a Christian-based program

structured in a 12-week course for veterans and their spouses to share their struggles and to begin the healing process.

Many of our vets suffer in the form of anger, anxiety, depression, social withdrawal, and, most tragically, too often, suicide.

The REBOOT Combat Recovery program is free. It has more than 50 locations in 23 States and more than 1,600 graduates. REBOOT communities are safe, private, and mostly led by veterans.

As we honor our veterans this weekend, let us remember that every veteran's story is different. Let us help them find the answers to heal and to recover from the effects of war.

HONORING 80TH ANNIVERSARY OF THE EDMUNDITE MISSIONS

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

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to celebrate the 80th anniversary of the Edmundite Missions at Our Lady Queen of Peace Catholic Church in Selma, Alabama.

For 80 years, the Edmundite Missions has faithfully served poor and underprivileged communities throughout the Deep South. The Edmundite Missions is rooted in the Gospel of Jesus Christ and focuses on providing food, clothing, and shelter to poor and marginalized children and families, young adults, and seniors of all faith traditions.

While the Edmundite Missions in Alabama is headquartered in Selma, their outreach area includes the Alabama counties of Butler, Dallas, Lowndes, Monroe, Perry, and Wilcox, as well as New Orleans, Louisiana.

The inspiring story of the Edmundite Missions began with a call to action when, in 1936, Pope Pius XI appealed to the Society of St. Edmund to go minister to the African Americans of the Deep South.

The Edmundites responded by selecting two young priests, Father Casey and Father Paro, to take on the assignment. They wrote to the bishop, Thomas Toolen of Mobile, who invited them to set up a "colored mission" in Selma.

When Fathers Casey and Paro arrived in Selma on July 6, 1937, they discovered thousands of people living in extreme poverty, similar to that of a Third World country. In response, they began their outreach by conducting door-to-door evangelism in the Black community and building a small chapel, St. Elizabeth's Mission. Initially, they were met with skepticism by both the Black and White communities in Selma, but their services to the poor gradually won them the respect of both races.

The work of the Edmundite Missions helped to transform the communities of Alabama's rural Black Belt during some of the most turbulent times of race relations in American history.

In the 1940s, the mission welcomed the Sisters of Saint Joseph from Roch-

ester, New York, who came to Selma to provide education and social ministry. The Sisters of Saint Joseph started St. Elizabeth's School in 1941 and the Holy Infant Inn, a nursing home, in 1943.

In 1944, the Edmundites purchased the Selma Good Samaritan Hospital, a rundown infirmary for African Americans, and the sisters set out to transform that facility into a modern-day one. They established the Good Samaritan School of Nursing, the first medical training program for African-American women in the area.

Then, in 1947, Father Nelson Ziter launched the Don Bosco Boys Club, named after the patron saint of youth work. For the next 19 years, until 1966, the Don Bosco Boys Club helped hundreds of young Black youth prepare and win financial assistance needed to attend college. Father Ziter devoted countless hours and days to ensuring the success of every youth who came into the program.

On a personal note, I can attest to the transformative power of the Don Bosco Boys Club. My dad, Andrew A. Sewell, and many of his close friends credit the support, love, and guidance of Father Ziter for changing the trajectory of their lives. My dad and many of his teammates received athletic scholarships to Historically Black Colleges, becoming the first generation of college graduates in that area.

The club and its ministry helped to break the cycle of poverty for these African-American boys such that they became teachers, doctors, lawyers, and even priests.

The Sewell family is forever indebted for the generous support and assistance the Edmundite Mission has given the communities of Selma and throughout the Black Belt for over 80 years.

The Edmundites found themselves the center of controversy during the 1960s when they were the only Whites in Selma who openly supported the voting rights movement. During the 1950s and 1960s, the mission and its priests and sisters worked with Selma's Black and White leaders, its business community, and its White ministers to open the lines of communication between the races.

During the march from Selma to Montgomery, the Edmundites, led by Father Ouellet, played a very critical role. On March 7, 1965, the brutal confrontation at the Edmund Pettus Bridge caught the attention of the Nation. Scores of wounded marchers poured into the emergency room at Good Samaritan Hospital, where doctors, nurses, and sisters worked around the clock to address their medical needs.

Good Samaritan Hospital won national praise for its treatment of the victims of the infamous Bloody Sunday confrontation, including providing medical treatment, Mr. Speaker, to our beloved colleague, Congressman JOHN LEWIS.

Father Ouellet left Selma in June of 1965 on the orders of the Archbishop of

Mobile. When he left, he was given a standing ovation by his parishioners.

The citizens of Selma and the surrounding Black Belt counties have come a long way since 1937, and I ask my colleagues to join me in celebrating the 80th anniversary of the Edmundite Mission and in recognizing its many contributions.

May the glory of the Edmundites Mission continue to grow and prosper for years to come.

□ 1015

HUMANITARIAN CRISIS IN YEMEN

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

Mr. DUNCAN of Tennessee. Mr. Speaker, there is a heartbreaking photo in today's Washington Post showing two small boys, toddler-size, in a hospital in Yemen being treated for cholera. The story says the International Red Cross is now being prohibited by the Government of Saudi Arabia from shipping chlorine tablets into Yemen to treat this disease that has now affected more than 900,000 people there.

This is a humanitarian crisis of the first magnitude and it should not be tolerated. Many people are dying. Most of the victims of this disease are women, children, and senior citizens.

In yesterday's American Conservative magazine, Daniel Larison wrote: "The Saudi-led blockade of Yemen has been starving the population of essential goods for years, but the complete shutdown of all ports threatens to cause massive loss of life if it is not reversed immediately."

The head of the U.N. World Food Programme is warning that hundreds of thousands of children in Yemen will be "on the brink of starvation if the Saudi-led coalition's blockade of air, sea, and land access lasts for even 2 weeks."

David Beasley, of the U.N., told the Associated Press, if access remains shut down, "I can't imagine this will not be one of the most devastating humanitarian catastrophes we have seen in decades."

Mr. Speaker, Saudi Arabia is supposed to be an ally of ours. Those of us in Congress should demand, urge, or at least plead with officials in Saudi Arabia to end this very cruel, inhumane blockade, and allow the Red Cross to get crucial food, medicine, and other supplies in to these people before many more die needlessly.

STATEHOOD FOR WASHINGTON, D.C.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, Saturday is Veterans Day. That is the day we set aside to revere those who served in our

Armed Forces, especially today, because all who serve are volunteers.

Only one group of taxpaying volunteers who serve in our Armed Forces serve without a vote, and they are the veterans who reside in the Nation's Capital. They have no final vote on this House floor, though, of course, I vote in committee. They are not fully recognized as American citizens, although the District of Columbia is one of the oldest jurisdictions in the United States.

D.C. veterans, therefore, are at the front of the line, demanding the vote in Congress and other rights granted only to residents of States.

I thank the Members of this body who have cosponsored my bill to make the District of Columbia the 51st State. Each year we have beat last year's record in cosponsors. Today I have introduced a statehood resolution in tribute to the District of Columbia's 30,000 veterans as Veterans Day approaches on Saturday.

The residents of your Capital City have never hesitated to serve or give up their lives in war for their country. They have died for their country without a vote in disproportionate numbers.

World War I, more casualties than three States; World War II, more casualties than four States; Korean war, more casualties than eight States; the Vietnam war, more casualties than ten States of the Union.

There have been three votes to go to war since I have been a Member of Congress: the Gulf war, the Iraq war, the Afghanistan war.

I have gone to Arlington National Cemetery to comfort bereaved families from the District of Columbia who died in those wars. The tragedy of their sacrifice is deepened because these men died securing the vote for others in those nations, while they did not have the vote for themselves in their own nation.

The only remedy to make our veterans whole is to give statehood to their city. The special urgency of our demand for statehood this Veterans Day is particularly pointed up by the fact that, for years now, District of Columbia residents have been number one, per capita, in taxes paid to support the Government of the United States. Understand that, number one above all the other States in taxes paid, all without a vote. That outsize contribution, yet no vote on this House floor, no Senators in the other body.

That is not even a vote on D.C. matters. D.C. matters, some of them, have to come to this floor. The D.C. appropriation, even though D.C. residents raise more than \$7 billion, not \$1 of it is Federal money, yet the city's appropriation comes to this floor.

D.C. laws, sometimes on abortion or guns, are rather controversial matters, but we don't bother the States when they do the same thing, and we certainly should have nothing to say when the residents of the District pass laws of their own.

We almost got the vote on the House floor when we were paired with Utah, a Republican State. And the only reason we don't have that vote on the House floor now is that there was an attachment to the bill that tried to eliminate all the gun laws of the District of Columbia. Absurd. But we had to leave the bill on the table.

The Founders faced a unique situation when they created the District of Columbia as their Capital, but they tried an 18th century remedy that the country has long outgrown. The Nation's Capital must not be under the thumb of the national government, with citizens left without their equal rights.

We must erase the slander that the Framers of our country who went to war on the slogan of "No Taxation Without Representation;" that they would want to leave any Americans who paid taxes without equal representation in the United States, and especially on this floor and in the Senate.

We will bring our statehood bill to the floor as soon as it is allowed. On this Veterans Day, I ask that we bring our D.C. statehood bill to the floor. Do it for District residents. But on this Veterans Day, I ask that you do it for the 30,000 veterans who have served you, who have served their country, and who deserve equal rights in each and every respect.

RECOGNIZING THE MEN AND WOMEN OF THE NEBRASKA NATIONAL GUARD

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

Mr. BACON. Mr. Speaker, I rise to recognize the men and women of the Nebraska National Guard. Whether it is a natural disaster in Nebraska or elsewhere in the United States, or doing combat operations in the Middle East, the Nebraska National Guard is willing and ready to assist those in need and are poised to fight our Nation's wars.

The Army National Guard has approximately 3,500 soldiers stationed throughout Nebraska, and the Air National Guard has approximately 950 airmen. Joining us today in Washington are 60 of those soldiers and airmen.

The Nebraska National Guard is made up of selfless and courageous men and women who continue to make Nebraska and the Nation proud through their rescue and assist efforts and during times of crisis.

The Army National Guard has over 80 units throughout Nebraska. These guardsmen are also called citizen soldiers and they respond to national disasters in the State and around the Nation.

There are two Air National Guard units in Nebraska: the 155th Air Refueling Wing in Lincoln and the 170th Group located at Offutt Air Force Base. The 155th Wing is responsible for refueling aircraft worldwide, while the

170th Group provides support to the 55th Wing by training airmen conducting worldwide missions for our Nation.

In addition, they have become a premier example of total force integration between the Active Duty Air Force and the Air National Guard. In my 30 years in the Air Force, this is the best Active Duty and National Guard relationship that I have seen. I think it is the best in the Nation.

Since September 11, the Nebraska National Guard has deployed over 10,000 soldiers and airmen. The guardsmen not only provide assistance to the United States, but throughout the world. There are dozens of Nebraska soldiers deployed to Guantanamo Bay supporting detainee operations. Next year, the Nebraska Air National Guard will deploy to key locations in the Pacific and Middle East.

Most recently, members of the Nebraska National Guard deployed to Texas, Florida, Puerto Rico, and the U.S. Virgin Islands to assist with the hurricane relief efforts.

The Nebraska National Guard rescued 461 people and 22 pets, and they served 6,000 pounds of bottled water, 3,000 pounds of food, and 1,000 pounds of medical supplies to the people of Texas.

In response to Hurricane Irma, 102 Guard members were in Florida providing an aviation task force for support operations. Currently, there are 58 soldiers and airmen providing support to the Virgin Islands and Puerto Rico. These efforts range from rescuing people to cleaning up St. Croix's Ricardo Richards Elementary School.

The Nebraska National Guard's value to Nebraskans and Americans across the Nation cannot be understated. Our soldiers and airmen risk their lives to save our neighbors in need.

I thank the Nebraska National Guard for their service to the Nation and Nebraska. All Nebraskans are proud of their service.

ADDRESSING THE HUMANITARIAN CRISIS IN PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ESPAILLAT) for 5 minutes.

Mr. ESPAILLAT. Mr. Speaker, I rise today, marking the 48th day since Hurricane Maria made direct landfall on the island of Puerto Rico.

Wreaking havoc for over 3.4 million American citizens living on the island, this administration's response has been beyond atrocious. I witnessed it myself a couple of weeks ago, and so did a group of 50 registered nurses from across the country who volunteered for a two-week disaster relief fund and mission.

What these courageous women described upon returning was not at all reassuring. The lack of efficient action has led to deadly conditions and consequences: lack of food, water, medi-

cine, proper healthcare services, houses with roofs blown off or infested with black mold, and leptospirosis outbreaks across the island.

Laura Maceri, a registered nurse, said: "It's hell there. The people have nothing, yet they are the first to offer you the shirt off their back."

Another nurse, Hau Yau, expressed: "We couldn't believe this is part of the United States. We did home visits in low-income communities with the public health liaisons there who identified those in need, and helped them do basic blood pressure checks, blood sugar checks, to refill their medicine, et cetera. They have already had chronic diseases going on, and now their environment is full of hazardous materials, and the sanitation is very, very poor."

From another nurse, Erin Carrera: "Spent the day in Rio Grande, a hard-hit area right outside of San Juan. No power or water here since Maria. We set up a clinic at the FEMA site for the first time here. People lined up blocks since 10 p.m. last night. But FEMA was only handing out papers—papers, which need to be filled out in order that they may receive some reimbursement eventually. Each person received a small bottle of water, a mini bag of Cheez-It and a little pack of vanilla cookies. Outrageous. We were able to provide care to some, not nearly enough, but one small contribution to this tragedy today."

Another nurse said: "Today we went to a town called Barranquitas. They had almost no water or food there. They were desperate. They are relying on rainwater. One million chickens died during the storm and are now decomposed and causing people to get sick. Overwhelming is the only thing I can say to describe it."

Mr. Speaker, I stand with these nurses in their demands to address the humanitarian crisis on the island of Puerto Rico. This administration must respond immediately.

We need to waive FEMA's cost-sharing requirements in Puerto Rico. Yesterday, Representative GUTIERREZ and I introduced the WEPA legislation—the Waiver of Emergency Payments Act—that chooses and aims to do exactly that.

□ 1030

PROPER NUTRITION FOR EVERYONE

The SPEAKER pro tempore (Mr. ADERHOLT). The Chair recognizes the gentleman from Kansas (Mr. MARSHALL) for 5 minutes.

Mr. MARSHALL. Mr. Speaker, I rise today to talk about nutrition and, more specifically, malnutrition. My family and I have traveled across the country doing mission work, from the poorest country in this Western Hemisphere, Haiti; to the plains of Kenya; across Mexico; and throughout Central America.

On those trips, I went there as a physician thinking that I could help peo-

ple, but what I quickly discovered was that, despite how many antibiotics or bottles of IV fluids that I had, without proper nutrition, without proper water and sewage treatment, I was simply running into a headwind in a war that I could never win.

Unfortunately, across the globe, there are almost 1 billion people who suffer from malnutrition, and it is a problem that doesn't exist just across the world. It also exists in my own district, in my own communities. We think that actually about 12 percent of the United States households have food insecurity issues, and, in households with children, the number goes up to 16 percent of food insecurity issues.

It would be my opinion, without this hierarchy of needs being met, the hierarchy of the needs of proper water, proper sewage, and proper nutrition, that you will never have a healthy community. Without a healthy community, you will never see economic growth.

This battle against malnutrition is long running. In recent years, many in the hunger community have recognized the value of fighting malnutrition in targeted ways. One way was popularized by Roger Thurow in his book, "The First 1,000 Days: A Crucial Time for Mothers and Children—And the World."

Research shows that good nutrition actually begins before conception. Good nutrition starts before conception, continues throughout the woman's pregnancy, and, especially, those first 2 years after a child's birth are very important.

As a practicing obstetrician for 25 years, I see over and over the impact of proper nutrition. Proper nutrition in those first 1,000 days starts with a well-balanced diet and adequate calories. Additionally, we always try to start our prenatal vitamins at least 3 months before conception.

You might ask: Why is that important? What we have found is that if there is adequate folic acid in a woman's body, along with adequate iron, it decreases birth defects, and it decreases premature birth and low birth weights. Specifically, folic acid decreases neural tube defects. So those two vitamins are particularly important that we continue in these diets preconceptually, during the pregnancy, then after for at least the first 2 years.

A child that receives the proper 1,000 days of nutrition has a lower chance of obesity, heart disease, and chronic illnesses. The child is 10 times more likely to overcome serious childhood illnesses and is more likely to fulfill their full God-given potential.

What we know and understand is that the most vulnerable will succumb to viruses, whether it is the elderly or the infants, if they don't have proper nutrition. An investment during this critical time period, these first 1,000 days, not only impacts the development of the child, but results in a higher likelihood of healthiness in generations to

follow, allowing the benefits of adequate nutrition to compound over time.

As we in Congress begin to consider the reauthorization of the new farm bill, we have been reviewing many programs targeting hunger and malnourishment. These programs allow our State governments and nonprofits to promote nutrition and assist in providing food for women and children, both here at home and around the globe. I am especially proud of the McGovern-Dole International Food for Education program, but what we, of course, call in Kansas the Dole-McGovern International Food for Education program.

This program has provided over 44 billion people in low-income, food-deficient countries across the world with a meal during the school time to help those kids do better in school. This is made possible by donations from the U.S. agricultural products and the kindness of Americans.

Food for Peace is another lifesaving food assistance program that, for more than 60 years, has helped tens of millions of people get enough to eat through emergency development and nutritional support programs.

Not only do these programs provide the food necessary to help these countries provide good nutrition for women and children, they benefit U.S. national security and foster goodwill.

Lending a helping hand to those around the globe is a classic American value, but assisting those here at home is an absolute priority. This is being achieved through the special Supplemental Nutrition Program for Women, Infants, and Children, the WIC program as most of us have called it. I have got such great, firsthand experience in seeing how important this WIC program is to pregnant women and breastfeeding women. It is not only the vitamins that we give them, but it is the extra education that we give them to help raise their children in a healthy environment.

So we need to provide Federal grants to these States through the WIC program that are used to provide food supplements and nutritional education to low-income mothers and babies. Nutrition is so critical for these first 1,000 days, it goes far beyond anything that I can say or any statistics I can quote. As we continue to strive for improved national global health, the importance of these first 1,000 days should not be underemphasized.

The United States has an opportunity to make a global statement in advancing this initiative. No matter where you are in the world, you can be assured that community health, economic growth, and quality of life begins with good nutrition.

MOMENTUM IS BUILDING

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

Mr. AL GREEN of Texas. Mr. Speaker, I rise because I love my country. Mr. Speaker, because I love my country, I rise to thank those who voted to reject bigotry, racism, xenophobia, ethnocentrism, sexism, and hatred in all of its forms, Mr. Speaker. I rise to thank them for what they did when they voted to reject these things.

Mr. Speaker, because I love my country and because I cannot accept these things, I refuse to accept hatred. I refuse to acquiesce to any forms of bigotry. Mr. Speaker, because I rise to reject these things, I now announce that before Christmas there will be a vote on the chief inciter of racism, bigotry, hatred, xenophobia, sexism, ethnocentrism; there will be a vote in the U.S. House of Representatives, Mr. Speaker, on the impeachment of the President.

Mr. Speaker, this vote will take place before Christmas because there still is a need for the public to weigh in. I announced earlier this year, I called for the impeachment of the President right here on the floor of the House. Since that time, I have read Articles of Impeachment. These Articles of Impeachment have been circulated, and we are giving people an opportunity to respond.

Momentum is building, Mr. Speaker. The momentum is building. More people favor impeachment than not. Momentum is building. People should weigh in. They should let others know how they feel about impeachment. They should let others know how they feel about the chief inciter of all of these ugly actions by way of persons responding to the chief inciter.

Mr. Speaker, today, I am proud to say this vote will take place, but I am also proud to say something else. I am proud to say that I am an American, and while I have been told that there are political consequences for what I will do, I accept the consequences. I accept the consequences because I was not born in Congress. I wasn't born to be a Congressman. I am a child of God.

Mr. Speaker, I refuse to come to Congress and acquiesce to bigotry and hatred. I am proud to announce that this vote will take place and people will be able to vote to table the Articles of Impeachment. They will be able to vote to reject them, or support them, or they will be able to vote to send them to a committee.

Whatever others will do is their choice. My conscience dictates that I will vote to impeach. Let others do what they may. History will judge us all. I pray, Mr. Speaker, that this country will continue to reject what the inciter in chief, Donald J. Trump, has been causing this country to have to endure.

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

REFORMING OUR TAX CODE

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUDD) for 5 minutes.

Mr. BUDD. Mr. Speaker, reforming our Tax Code isn't an easy thing to do. If it was, we would have done it at some point in the last 30 years. But here is the reality: because of high-powered lobbyists and special interests within a 5-mile radius of this body, we have failed, time and time again, to do what is right for the hardworking American taxpayer.

But in the coming weeks, however, we have a rare opportunity to finally deliver a tax bill that puts working families first by passing the Tax Cuts and Jobs Act into law.

First, let me address the fact that there are certain provisions within this bill that some of my colleagues and I might differ on. That will always be the case. But instead of bickering, I urge my colleagues not to look at things in a vacuum and, instead, evaluate it by asking ourselves three important questions.

The first question we should ask is: Does this bill cut taxes for the vast majority of hardworking American families? The answer to this question is yes. Studies already show that if this bill passes, a typical family of four making around \$60,000 will see nearly a \$2,000 tax cut.

Let's think for a second what this money could be used for. Instead of giving it to the Federal Government, families could spend it on their children, they could put it in savings, or they could even pay off their debts. President Trump promised working families around the country a tax cut. And if this was put on his desk tomorrow, that promise would be delivered.

This leads us to the second question we should ask ourselves: Would this bill bring back jobs from overseas? The answer to this question, like the first one, is also yes. By cutting the corporate tax rate to below the global average and making other necessary reforms on the business side, this bill would make us competitive with our foreign competitors and encourage business to be done here instead of abroad.

Job creators, both large and small, have been coming out in support of this bill. Companies as big as UPS and AT&T, to small businesses right in North Carolina, have said that reforming our Tax Code will make it easier for them to create more good-paying jobs, and we should listen to them.

This takes us to my last question that we should all ask: Would this bill simplify the tax filing process for working families next year and in years to come? The answer to this, as well, is yes.

Mr. Speaker, one of the most striking statistics that I have seen with my constituents and people all around the country is that they spend more than 10 hours a year doing their taxes. Because of the many different forms they

have to fill out, recordkeeping, and tax planning that they have to do, Americans are rightfully demanding a much simpler process. By doubling the standard deduction, collapsing the rates, and closing special interest loopholes, Americans will experience a much simpler process when filling out their taxes.

I know how stressful this process can be for many back home, and I am a firm believer that the last thing you should do is worry about navigating our broken Tax Code.

Mr. Speaker, I posed three questions, and the answer to all three was yes. So instead of bickering about preserving a deduction here, or a tax credit there, I urge my colleagues to unite behind a tax reform bill that would cut taxes for working families, bring jobs back home, and make the filing process simpler for millions of people.

PUT TAXES TO GOOD USE

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

Mr. KENNEDY. Mr. Speaker, no one likes to pay taxes, but when our Founders dreamt of a nation, they knew that our success would rest on every shoulder. So it is not to make us just citizens of this great country, but stakeholders where everyone chips in, where everyone contributes, where everyone has skin in the game.

It is the only way that a gutsy American experiment could work: if each of us is so committed to what this country stands for that we are willing to give a piece of what we earn to help it succeed. Of course, that willingness hinges on a system that would deliver for all of our people.

We pay into a common good because we also reap from a common investment. We send our kids to public schools. We sleep safe at night under the protection of American defense. We wear down roads and bridges with commutes, with after-school pickups, with delivery runs, and family trips. So we do our part, however begrudgingly, however it might strap us or sting us, and all that we ask for in return is that what we give gets put to good use.

The tax reform bill being offered by my Republican colleagues does not put that money to good use—not the money it takes from hardworking American families.

□ 1045

It does not ask families that are living paycheck to paycheck to fork over money that—make no mistake—they do not have so they can invest in affordable housing, so that we can help exhausted parents pay for quality childcare, and so that we can stop middle class kids from being priced out of higher education and ensure that families that are hit by catastrophic medical events don't lose their livelihood—not this bill.

Instead, this bill asks Americans to scrape their bank accounts so that the Trump administration can turn around and use that money to give to the wealthiest among us and make them even wealthier; so that they can make tax cuts for corporations permanent but abandon American workers after a few years; so that they can multiply dividends enjoyed by the 10 percent of Americans who own the vast majority of our Nation's stocks while everyone else gets left behind; so that they can blow a hole in our Federal deficit that again—make no mistake—working and middle class families will be forced to fill with their bare hands for generations to come, for we all know that the moment that this bill passes, you are going to hear those calls for cuts to Medicaid, Medicare, and Social Security come roaring back from my Republican colleagues.

So for these families, the money that they send to the American Government every year isn't just some meaningless check. It represents the late nights; the double shifts; the school plays and the teacher conferences missed; the bedtimes when you didn't make it home; the vacations you could not take; those endless, countless, thankless sacrifices that you make every single day so that you can take care of the people whom you love.

You deserve a country that will make your contribution count and that will make that investment in your family, too. This bill doesn't even come close.

CELEBRATING REVEREND BILLY GRAHAM'S 99TH BIRTHDAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. MCHENRY) for 5 minutes.

Mr. MCHENRY. Mr. Speaker, this morning I rise to celebrate a truly great American and one of the finest men North Carolina has ever produced, the Reverend Billy Graham, who, yesterday, celebrated his 99th birthday.

Born November 7, 1918, in Charlotte, North Carolina, Reverend Graham has devoted his life to spreading the Gospel of our Lord and Savior, Jesus Christ.

While Reverend Graham was ordained as a minister in 1939, it was not until 1949 that he gained the international recognition he is known for today. It was that year that he hosted the Los Angeles Crusade. The Crusade was originally scheduled to last only 3 weeks, but it ended up going on for over 2 months as huge crowds came to hear Reverend Graham spread the Gospel.

In the years since the Los Angeles Crusade, Reverend Graham has traveled across the United States and around the world to spread the Gospel. According to the Billy Graham Evangelistic Association, in his life, Reverend Graham has preached to nearly 215 million people in over 185 countries and territories around the world.

Reverend Graham has served as a spiritual adviser to political and faith leaders here in the United States and throughout the world. In the 1950s and 1960s, he joined Dr. Martin Luther King, Jr., for integrated crusades. In later years, he delivered invocations at the inaugurations of four American Presidents. In 1983, President Ronald Reagan awarded Reverend Graham the Presidential Medal of Freedom, which is our Nation's highest civilian honor.

Reverend Graham now resides where he has resided most of his life, in Montreat, North Carolina, where I have the honor of serving as his Representative here in Congress. While, physically, he has slowed in recent years, the power of his work over eight decades is still felt by us all. Through the Billy Graham Evangelistic Association, his life's mission continues around the world. In fact, his family's mission has continued around the world.

Perhaps the greatest testament to Reverend Graham's dedication to the Gospel is how he has chosen to spend his centennial year. Rather than celebrate his work, Reverend Graham is devoting this year to celebrating the work God has done through him.

Mr. Speaker, on behalf of everyone in western North Carolina, all Americans, and so many people around the world, I would like to wish Reverend Graham a happy first day to his 100th year.

I thank Reverend Graham for serving as a role model and spiritual guide for generations of Americans. I thank Reverend Graham for all he has done to help those in times of need, and, most importantly, I thank him personally for what he has done for me.

HONORING CATHEDRAL CITY POLICE CHIEF GEORGE S. CRUM, JR.

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

Mr. RUIZ. Mr. Speaker, I rise to honor the outstanding service and retirement of one of California's finest, Cathedral City Police Chief George S. Crum, Jr. Chief Crum is an exceptional leader in the community, dedicating his life to public service for over three decades.

He started his career 30 years ago as a police officer with the Fullerton Police Department. His commitment to keeping our citizens safe earned him many promotions over the years, from sergeant, to lieutenant, and, eventually, captain of the Fullerton Police Department. He was appointed as police chief of the Cathedral City Police Department on December 10, 2014, and recently retired on November 2, 2017.

Throughout his career, his dedication to community engagement has helped to ensure justice and build a strong community. He is a member of numerous organizations that promote safety throughout California, including the Riverside County Law Enforcement

Administrators Association, the Coachella Valley Association of Governments, and the California Police Chiefs Association.

Not only has he been a strong leader in law enforcement across the region, Chief Crum is also a leader in molding the minds of our students. He was an instructor at Fullerton College for nearly 20 years, and he is currently a Public Safety Academy instructor at College of the Desert in the valley. He serves as a mentor to the next generation of law enforcement leaders in our region, inspiring them to serve their own communities.

I am so humbled to have worked with him over the years to keep the public safe, and I am proud to call him a friend. It has also been my honor to work with him on legislation to provide robust benefits to the families of public safety officers killed in the line of duty.

Chief Crum has given so much to the community over the years, and I have a feeling this will continue even in his retirement.

So on behalf of my wife, Monica, and the entire 36th Congressional District, I want to thank Chief Crum; his wife, Rebecca; and his children, Dylan and Madison, from the bottom of my heart, for their service and sacrifice to keep our communities safe.

While we are sad to see him retire, I wish him and his family the best during his well-deserved retirement.

RECOGNIZING PETE M. ORTIZ ON VETERANS DAY

Mr. RUIZ. Mr. Speaker, this week, on Veterans Day, we honor those who have bravely served in our Nation's military. Our veterans served with incredible selflessness; they served with great courage; and they served with sacrifice, often leaving behind spouses, children, and loved ones to keep our Nation safe and to protect the freedoms we hold so dear. For this, our veterans and their families have earned our respect and our deep debt of gratitude.

On Veterans Day, we take a moment to pause and reflect on their service. So today, I want to recognize the life of one of my district's finest members, Pete M. Ortiz.

Mr. Ortiz passed away on September 14, 2017, at the age of 76. He came from a family that has committed themselves to serving our country in uniform for generations. Since World War II, over 50 members—50 members—of the Ortiz family have bravely served in our Armed Forces, putting their lives on the line to protect our freedoms.

Following his family's legacy, Mr. Ortiz honorably served in the Army National Guard from 1956 to 1960. He was awarded the Marksman Badge and Pistol Bar, an honor presented to soldiers with high marksmanship skills. I was proud to help obtain and personally present him with these medals for his distinguished service.

Mr. Ortiz was also a beloved member of the Coachella Valley. Not only was he a carpenter and avid fisherman, he

was part of a unique desert skydive team, the Desert Skydivers of Coachella.

All those who knew him remember his zest for life and devotion to family. One of his greatest joys was getting his entire family together for a barbecue. His family remembers his masterful skills for grilling, especially carne asada, and his dream of one day opening his own taco stand.

To his wife, Patricia, and children, Pete, Tina, Sherry, and Sally, your father was an example to us all. His bravery, selflessness, and courage in the military are an inspiration challenging us to better serve our own communities. His adventures and curious spirit are a reminder to us all to live life to the fullest and enjoy the people and places that bring us joy.

So on behalf of my wife, Monica, and my daughters, Sky and Sage, we honor the service and legacy of Mr. Ortiz and his entire family.

From the bottom of our hearts, we thank all of our veterans for their dedication and sacrifice for our country as we honor their service this Veterans Day.

RECOGNIZING JOSEPH DOUEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. NORMAN) for 5 minutes.

Mr. NORMAN. Mr. Speaker, I rise today to recognize a great American whom I had the privilege of meeting at the Library of Congress, Mr. Joseph Douek.

Mr. Douek hails from a great family. His father came penniless to America some 70 years ago. He did what is now becoming a lost art in this country—he went to work.

He went to work as a laborer and, eventually, worked his way up to where he owned a successful photography shop. He bought real estate, and he has now retired to a great retirement life, which he has earned.

Joseph, his son, has dedicated himself to public service. He has been on the New York City Planning Commission for 5 years, and he was just re-elected. He is an example of somebody who has given his time, his tithe, and his talent to serve in the great State of New York and our great country.

Mr. Speaker, please join me in celebrating what he has done and really encouraging other people to do what he has done in that he has gone to work. He has done what Americans do.

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 57 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

Pastor Jeff Williams, Faith Community Church, Janesville, Wisconsin, offered the following prayer:

Our Father in Heaven, Your Word declares that You have been our dwelling place throughout all generations and that, from everlasting to everlasting, You are God.

Your sovereignty when juxtaposed with our humanity humbles us and causes us to seek Your face on behalf of our Nation and those who govern us.

When beginning his rule, King Solomon prayed for You to grant him a discerning heart to govern Your people and to distinguish between right and wrong. Grant that same discernment in this Chamber today.

I pray for these who have been entrusted with the responsibility to govern this great people that they may adhere to the principles and convictions our country was founded upon.

Bless them and their families, I pray. Your prophet Moses prayed saying: "May the favor of the Lord our God rest on us and establish the work of our hands for us." May that same favor rest upon this, the people's House, today.

In Jesus' name, I pray.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

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

WELCOMING PASTOR JEFF WILLIAMS

The SPEAKER pro tempore (Mr. BACON). Without objection, the gentleman from Wisconsin (Mr. RYAN) is recognized for 1 minute.

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, it is my absolute privilege and honor to welcome Pastor Jeff Williams, who just led us in the opening prayer. He is the head pastor at Faith Community Church in Janesville, Wisconsin.

Jeff is the son of a Swedish immigrant. Pastor Jeff began in the ministry at his home church in Rockford, Illinois, where he was born and raised.

In 1989, he and his wife, Brenda, moved about 30 minutes north up I-90 to begin Faith Community Church in Janesville. "We had nothing but a vision," he said. "No people, no equipment, and no place to meet. Just a vision and the Lord. And that was enough."

Over the years, Pastor Jeff has turned that vision into a beautiful house of worship and fellowship at the heart of our community. I have been there many times. It is really an impressive place.

Pastor Jeff has been a very good friend to me and to our family for many years. I will note, however, that he is a Bears fan, and we can forgive him for that one.

But it is an absolute honor and privilege of mine to honor and to welcome Pastor Jeff here, and I want to thank him for offering today's prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HONORING MORGAN SCARBRO FOR HER WORK WITH VETERANS AND MILITARY FAMILIES

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

Mr. WALBERG. Mr. Speaker, I rise today to recognize a remarkable student in my district with a heart for helping veterans, our military, and their families. Morgan Scarbro is a 14-year-old from Eaton Rapids who created a nonprofit called Morgan's HUGS.

Since the age of five, Morgan has been giving back to veterans. If there is a veteran in need, Morgan springs into action. She organizes donation drives and collects items like hygiene products, food, clothing, and more. When Morgan competes in beauty pageants, she encourages her fellow contestants to donate as well.

Morgan helps in so many other ways, too, including visiting veterans in nursing homes and putting her own Christmas on hold to give presents to military families.

Morgan's dad is a disabled veteran, and she has seen, firsthand, the sacrifices made by the men and women who serve our country. We owe them an immeasurable debt.

As Veterans Day approaches, may we follow Morgan's example and do everything we can to take care of our Nation's heroes.

OPPOSING REPUBLICAN TAX PLAN

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

Mr. SIRES. Mr. Speaker, I rise today in strong opposition to the Republican tax plan. As I have said many times before, this plan gives tax breaks to the wealthy and corporations, over the needs of American families, while adding a predicted \$2.1 trillion to the national debt over the next decade.

Particularly devastating for New Jersey is the partial elimination of the State and local tax deduction. More than 25 percent of New Jerseyans would face a tax hike over the next decade due to this change.

Per person, New Jersey taxpayers paid \$3,478 more in Federal taxes in 2015 than they received from the government, more than any other State. Not only would the bill aggravate this disparity in New Jersey, it would also eliminate vital deductions that give relief to those burdened with high medical costs, student debt, and unexpected losses due to natural disasters.

Mr. Speaker, I will not support a one-sided plan that harms New Jersey and those who are most in need of tax relief.

HONORING THE SERVICE OF LEWIS VILLA

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

Mr. ROTHFUS. Mr. Speaker, this coming Saturday marks Veterans Day, a day on which we honor and cherish heroes like Lewis Villa from Hopewell Township, Pennsylvania.

Nearly seven decades ago, Mr. Villa, a graduate of Aliquippa High School, followed in the footsteps of his two older brothers by enlisting in the Army. He joined the 456th Airborne Field Artillery Battalion of the 82nd Airborne and eventually became an Army Ranger assigned to 1st Company, 1st Platoon, 1st Squad of the Airborne Rangers.

He deployed in 1950 to Japan, and then Korea, where he was captured by communist Chinese forces and spent 28 months in a prisoner of war camp.

After returning home, Villa became a mailman, where he met his beloved late wife, Helana, and had two children.

Lewis Villa is a treasure of the Aliquippa community, and he rarely fails to land a joke, and always lights up a room with laughter. I would like to extend my sincerest gratitude to him as well as to all our veterans.

Happy Veterans Day, and may God bless them and their families.

THE REPUBLICAN TAX PLAN

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

Ms. KUSTER of New Hampshire. Mr. Speaker, I rise today to discuss the need for tax policy that benefits hardworking families in New Hampshire and all across this country.

We are long overdue for real tax reform, but, unfortunately, the plan unveiled by my Republican colleagues is more of a giveaway to millionaires, billionaires, and corporate special interests.

In fact, consider this: 80 percent of the tax breaks in their bill go to the wealthiest 1 percent of Americans. This is while cutting \$500 billion from Medicare and \$1 trillion from Medicaid. That trade is, frankly, unconscionable. This bill is a bad deal for Granite Staters and a bad deal for the American people.

The Republican tax plan eliminates important deductions for hardworking middle class families. It caps property tax deductions, eliminates student loan interest deductions and the medical deduction tax credit. The plan even ends the Work Opportunity Tax Credit that encourages employers to hire veterans.

House Democrats are offering a better deal. I urge my Republican colleagues to work with us to support working families.

HONORING OUR NATION'S VETERANS

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

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor our Nation's veterans. I would like to take a moment to thank our Nation's heroes for their selfless service to our country.

It was a privilege to welcome home veterans on the Indy Honor Flight last month after they traveled to D.C. to visit memorials honoring their service and the sacrifice of our Nation's Armed Forces. It was both a humbling and inspiring opportunity to meet so many veterans who are patriots in every sense of the word. We owe it to them and their families to ensure they have access to quality care and the services they deserve.

I am proud to see many important veterans bills pass through the House this week and look forward to continuing our work in Congress to support our American heroes.

To all of our veterans, we thank you for your service, and enjoy Veterans Day. We salute you.

HONORING THE LIFE OF CARRIE BARNETTE

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

Mr. KIHUEN. Mr. Speaker, today I rise to remember the life of Carrie Barnette, a woman who was known for her love of pickles, hummingbirds, and willingness to help others.

Carrie loved country music, and she grew up listening to it at her grandparents' house. She frequently went to country music concerts and had traveled to the Route 91 Harvest music festival with her childhood friend, Jenn.

Carrie was a lifelong Californian who had just celebrated her 10th anniversary as a culinary team member at Disney California Adventure in Anaheim.

Carrie loved the children of her relatives and friends like her own, and friends say that she would have made a great mother. She also had the nickname of Aunt Carrie because all the children loved her.

I would also like to extend my condolences to Carrie's family and friends. Please know that the city of Las Vegas, the State of Nevada, and the whole country grieve with you.

ROLL CALL FAKES THE NEWS

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

Mr. SMITH of Texas. Mr. Speaker, a front-page story in Roll Call about Chief of Staff General Kelly is as misleading as you can get. It clearly is an intentional hit job.

The headline read: "Kelly's Antics Rankle Capitol." The article claims, "GOP and Democratic Members are united" in not wanting General Kelly to speak out. But only one Republican, known for his criticism of this administration, is quoted, compared to four Democrats. Of the four Democrats, three are current Members of Congress, and one is a former Clinton administration official.

So much for balance, and so much for the article's unfounded claim. This is what passes for journalism these days. When you see stories like this one, you begin to understand why the President is right to use the term "fake news."

I doubt General Kelly will be intimidated, and I hope he will continue to speak out.

THE REPUBLICANS' TAX SCAM

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

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong opposition to the Republicans' tax scam. The middle class receives virtually no benefit from this bill.

This bill hits middle class Minnesotans especially hard by dismantling the State and local tax deduction. It increases costs for college students and their families. It abandons adoptive parents, and it punishes people with high medical bills.

So why does this bill hurt hard-working families? So President Trump and the Republicans can pay for giveaways to the wealthiest Americans?

Big corporations and billionaires will see their taxes slashed. Wealthy heirs and heiresses will be allowed to dodge taxes entirely. While the top 1 percent of Americans receive nearly half the tax cuts, 99 percent of us will be stuck with a Federal debt that will explode by trillions of dollars.

Mr. Speaker, this Republican bill is not tax reform. It is not a good deal for the middle class. It is a scam, plain and simple. I oppose it, and we must defeat it.

NATIONAL STEM DAY

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

Mr. HILL. Mr. Speaker, I rise today, during National STEM Day, to recognize the importance of encouraging our youth to pursue their interests in science, technology, engineering, and math fields.

As technology continues to advance, STEM occupations continue to grow and become more valuable to the development of our society. Over the past decade, employment in STEM occupations has outgrown non-STEM occupations by nearly 20 percent.

I commend the House's work in implementing the annual Congressional STEM App Challenge for students across our Nation. This competition allows students to compete by creating an idea for an app on a platform of their choice and is designed to engage student creativity and encourage their participation in STEM fields.

As a member of the Congressional STEM Education Caucus and the father of a STEM student in college, I will continue to support the growth of STEM education throughout Arkansas and our country.

□ 1215

REJECT REPUBLICAN TAX PLAN

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

Mr. KILDEE. Mr. Speaker, Democrats agree that we need to simplify our Tax Code and provide tax relief to middle-income families. Unfortunately, this Republican tax plan gives big tax cuts to the rich, huge tax cuts to corporations, and raises taxes—yes, the details matter—on tens of millions of American families, middle-income families making \$100,000 or less.

It takes away for some the ability to deduct interest on their home mortgage; takes away the ability to deduct interest on student loans, for goodness' sake; and takes away the ability to deduct interest on medical expenses.

But for the loopholes that apply to the people at the very top, for the loopholes that apply to corporations, they leave them alone. They bring down their rates and let them keep their loopholes, and force us to borrow money from our children and our grandchildren to give great big tax breaks to people at the very top.

This is wrong. This is not what the American people elected us to do. We need to shut this down now. We need tax relief for middle-income Americans, not tax giveaways to the people

at the very top. We ought to reject this plan, and we ought to do it now.

HONORING SERGEANT JOSH RODGERS

(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, earlier this year, Army Sergeant Josh Rodgers was killed in action during a raid targeting an ISIS prison in Afghanistan, making the ultimate sacrifice while working to free those imprisoned by evil.

A native of Bloomington, Illinois, in my congressional district, Sergeant Rodgers' heroism and bravery have not been forgotten. A graduate of Normal Community High School in 2013, where he competed on the track and football teams, his teachers, teammates, and coaches remember him fondly. They say he was a natural leader and a hard worker who believed it was his duty to serve his country in the military.

That is why I am proud to stand here today to announce the introduction of a bill, with the support of the entire Illinois delegation, Republicans and Democrats, that would rename the post office in Bloomington, Illinois, the Sergeant Josh Rodgers U.S. Post Office.

Mr. Speaker, there is no way to truly thank Sergeant Rodgers or his family, but it is my hope that this building will serve to honor him and remind all of us of the price of our freedom.

REJECT REPUBLICAN TAX PLAN

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

Ms. SCHAKOWSKY. Mr. Speaker, here is the Republican tax scam: first, cut taxes for the wealthiest corporations and for the superrich. Number two, cut Americans' healthcare.

Don't take my word for it. Just look at the Republican budget. After clearing the way for a \$1.5 trillion tax cut, it proposes cutting Medicare and Medicaid—coincidentally, I don't think so—by \$1.5 trillion.

It gets worse. Under the Republican tax bill, American families would no longer get to deduct major medical expenses from their taxes. Seven in 10 households using the medical expense deduction make under \$75,000 a year, and over half of the Americans who depend on that medical deduction are over 65 years old.

Families struggling to afford cancer treatment or long-term care should not have to pay a health tax so that billionaires can get a huge tax cut.

Mr. Speaker, I urge my colleagues to reject this scam. Americans deserve a better deal.

79TH ANNIVERSARY OF KRISTALLNACHT

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, November 9 marks the 79th anniversary of Kristallnacht. Referred to as the "Night of Broken Glass," the German high command issued orders to target Jews because of their faith.

Disguised as normal citizens, members of the SS and the Gestapo destroyed hundreds of synagogues, looted and vandalized thousands of businesses, arrested tens of thousands of innocent civilians, and killed nearly 100. This atrocity was a harbinger of one of history's darkest periods, the Holocaust.

The anniversary of this grave tragedy serves as a constant reminder of what happens when hatred and bigotry flood the minds of our world. When evil is met with silence and indifference, all of mankind suffers.

Unfortunately, the world has not learned a lesson from the past. Anti-Semitism has seen a troubling rise across the globe, and we must continue our fight toward ending this brutal chapter of intolerance.

Mr. Speaker, November 9 serves as a reminder of this tragedy, but also as an opportunity to fight this hatred and all forms of hatred, and vow to never let such an atrocity to ever occur again.

GOP TAX PLAN KILLS HOUSING AND INFRASTRUCTURE INVESTMENT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Mr. Speaker, it is increasingly obvious what a sham of a tax plan the Republicans have proposed, slashing taxes on the superrich and large corporations at the expense of the middle class.

What is less well known, and what the Republicans don't want to talk about, is their proposal to repeal tax-exempt private activity bonds and, therefore, to kill the same public-private partnerships that they profess to support.

States, local governments, and private partners around the country use private activity bonds to finance a wide array of infrastructure projects, like highways, airports, hospitals, water treatment facilities, and affordable housing.

In North Carolina, for example, private activity bonds financed and upgraded the terminal at Raleigh-Durham International Airport and are being used by our State housing agency to attract investors for new multi-family housing developments worth more than \$700 million.

If Republicans get their way, these projects would die on the vine, and more than 6,200 units of affordable housing would simply disappear.

How does that help working families realize the American Dream?

At a time when funding for housing and infrastructure is continually squeezed, the last thing we should do is

push through a plan that would hamstring our State and local governments and destroy our ability to leverage private investment.

Mr. Speaker, I urge my colleagues to oppose the Republican tax plan.

AMERICANS DESERVE A BETTER TAX DEAL

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

Mr. SARBANES. Mr. Speaker, I rise today to oppose the Republican tax plan, a tax plan that is of, by, and for the wealthy and well connected.

How do we know this?

Yesterday, a Republican Congressman told a Capitol Hill reporter: "My donors are basically saying, 'Get it done or don't ever call me again.'"

There you have it, a window into the true motivation for this bill. It is a massive giveaway to the big donor class. It slashes the corporate tax rate, guts the estate tax to benefit millionaires and billionaires, and creates a new loophole so the superwealthy can disguise their income.

What is worse, this Republican tax bill would be devastating for millions of middle- and lower-income Americans. It attacks the State and local tax deduction and the mortgage interest deduction. It eliminates tax deductions for medical expenses and student debt. It increases the deficit by approximately \$1.5 trillion.

Mr. Speaker, Americans deserve a better deal.

REMEMBERING ELIJAH PARISH LOVEJOY, AMERICA'S FIRST MARTYR TO FREEDOM OF THE PRESS

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

Mr. SHIMKUS. Mr. Speaker, in a time of national strife that we see our Nation in every now and then, it is good to remember history.

Mr. Speaker, 180 years ago yesterday, a man named Elijah Parish Lovejoy was run out of St. Louis city for writing and publishing an abolitionist newspaper called the St. Louis Observer. He then moved across to Alton, Illinois, where he continued to advocate the end of slavery.

On the 7th of November, 1837, Lovejoy received a new press. Many of his printing presses were thrown into the river. When he got the new press from the Ohio Anti-Slavery Society, the local slave owners heard about the arrival of the new machine and they decided to destroy it.

A group of his friends attempted to protect it, but during the attack, Lovejoy was shot in the head and died. Elijah Parish Lovejoy was America's first martyr to freedom of the press. Of course, we debate the press, but the

press is still an important institution in our society.

In 1952, the Elijah Parish Lovejoy Award was established and it is given to a member of the newspaper profession who continues the Lovejoy heritage of fearlessly defending freedom.

Mr. Speaker, I think it is important to come back and remember a great moment in our history.

TAXES WILL GO UP EVERY APRIL 15

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

Mr. CÁRDENAS. Mr. Speaker, I rise today to ask and highlight which Americans will see their taxes go up every April 15 under the Republican tax scam. Middle class families, teachers, firefighters, nurses, veterans, folks paying off student loans, seniors with medical expenses, small businesses, and every homeowner will pay more in taxes. Over 50 million Americans will see their taxes go up every April 15.

Both students and teachers are hurt by this tax scam. This tax scam will make it harder for teachers to afford supplies for their classrooms. The Republican tax scam eliminates medical expense deductions. The adoption tax credit goes away. Student loan deductions, gone. State and local tax deductions for homeowners, forget about it. This tax scam is just wrong.

Mr. Speaker, it hurts hardworking American families and it benefits the largest corporations.

TAX PLAN PROVIDES TAX RELIEF

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

Mr. HUIZENGA. Mr. Speaker, I had planned to come down to the floor here to manage some bills here in a couple of minutes, but I decided I needed to take this opportunity to address some of the things that the American people might have been hearing from the other side of the aisle just now.

This is absolutely just political demagoguery what is going on. Frankly, it is political malfeasance. This is about simplification. This is about fairness. This is about making sure that hardworking American men and women and their families have the opportunity to live the American Dream.

Right now, we have a Tax Code that is massive, first of all. Second, it is filled with loopholes and exceptions that lobbyists and the well connected have put in there over the last number of decades. It is time to change that. The American people deserve this.

There is real tax relief for real working families, and that is why I think you are seeing such enthusiasm out of the American people for this tax plan.

TAX PLAN WILL RAISE TAXES

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

Mr. CLAY. Mr. Speaker, let me see if I can inject some truth into this.

Mr. Speaker, I rise to oppose the deficit-exploding Republican tax plan that rewards billionaires first, and then asks hardworking Americans to pay for it.

The Trump Republican tax scam will raise taxes for millions of working families. It will kill jobs in the home construction industry. It will punish student loan borrowers. This reckless plan will repeal the deduction for State and local income and sales tax. I would remind my colleagues in the majority: If you vote "yes," you are voting for a \$900 billion tax increase on American families.

This bill is not conservative. It is not pro-family. It is not pro-worker. It will kill jobs and reward the wealthy and corporations at the expense of everyone else.

Vote "no" on the GOP tax scam, and let's pass a real tax reform bill that puts middle class families first.

□ 1230

DEMOCRATS WILL DELIVER A BETTER DEAL

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

Mr. JEFFRIES. Mr. Speaker, last night all throughout our great country, hatred lost in America; fear-mongering lost in America, race-baiting lost in America, xenophobia lost in America, homophobia lost in America, Confederate monuments lost in America, the war on Medicaid lost in America, voter suppression lost in America, the Trump playbook lost in America, and the make America hate again agenda lost in America.

Democrats will continue to focus on the economic well-being of the American people, will continue to fight for better jobs, better wages, and a better future for the American people.

Democrats will continue to fight to deliver a better deal.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 8, 2017.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 8, 2017, at 9:37 a.m.:

That the Senate passed S. 1088.
That the Senate passed S. 1015.
With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 2201, MICRO OFFERING SAFE HARBOR ACT

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2201) to amend the Securities Act of 1933 to exempt certain micro-offerings from the registration requirements of such Act, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill 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 Financial Services; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

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

Mr. BUCK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, 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. BUCK. 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 Colorado?

There was no objection.

Mr. BUCK. Mr. Speaker, I rise today in support of the rule and the underlying legislation. The rule provides 1 hour of debate and makes in order all amendments offered at the Rules Committee.

I want to note that not one amendment to this rule or to this bill was offered by the Democrats.

Mr. Speaker, the Micro Offering Safe Harbor Act is an important step toward helping small businesses grow across our country. Small businesses aren't just about selling a product or providing a service. Entrepreneurs take

the risk for a chance to improve their community and their family's livelihood. These individuals employ our friends and families and improve our quality of life. Congress needs to do what we can to help entrepreneurs succeed.

Young businesses need to use their limited capital, time, and resources to grow their business, not fill out bureaucratic paperwork. This problem has only grown worse since Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010.

When Dodd-Frank passed, Congress promised it would protect consumers. But it has only hurt community banks, small businesses, and the middle class. Dodd-Frank's burdensome regulatory regime has caused community banks to disappear across America, making access to capital more difficult for many small businesses.

The House passed the Financial CHOICE Act to repeal and replace Dodd-Frank, but it currently sits untouched in the United States Senate. I hope they will quickly vote to repeal Dodd-Frank and make credit easier to access for Main Street.

But there is more we can do in the people's House to help create new jobs and opportunities. All too often the Federal Government creates regulations that disproportionately hurt small businesses. While a large corporation may have a team of lawyers to comply with these rules, this is rarely the case for a young business. That is why I support this bill.

This bill ends ambiguity in the law by clearly defining a nonpublic offering exemption under the Securities Act. Currently, companies just starting out risk unintentionally violating these laws, which might discourage them from seeking the capital they need to grow. It is common sense to ensure our country's laws are clear and to allow small businesses to operate without fear of accidentally violating the law.

Our economy depends on small businesses and those who put everything on the line to pursue the American Dream. This bill will benefit all of us by helping those individuals grow their businesses and create jobs in their communities. In order to help our small businesses grow and create jobs, we need to pass this rule and pass the underlying bill.

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

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

Mr. Speaker, the Securities Act of 1933, which, obviously, was put into effect after the Depression or while it was going on, governs current law regarding the sale and purchase of securities like stocks, bonds, or options. The intent behind this law is to require that investors receive necessary information about the securities and to prevent fraud when they are sold.

To achieve this, the Securities and Exchange Commission currently prohibits the sale or delivery of securities that have not been registered with the agency, with some limited exemptions. Today, these exceptions are usually limited to those transactions made with sophisticated investors who understand the associated risks.

H.R. 2201 would weaken the Securities Act unnecessarily by adding an entirely new exemption for certain issuers while removing important disclosure requirements.

Let me say that again: while removing important disclosure requirements, in other words, to know what you are buying.

It would leave investors vulnerable to fraud by allowing companies to sell unregistered securities without the important guardrails that apply to these transactions today. It is part of the majority's agenda that prioritizes deregulation above all else.

Through the Congressional Review Act and many other bills, the majority has been relentlessly attacking safeguards that protect consumers—risking our health, our safety, and our finances. This is all in order to make it easier for corporations to engage in questionable business practices.

Who loses in the giveaway to big corporations and bad actors? The American people do.

Mr. Speaker, I have always believed that a bad process leads to a bad product. This week has put the majority in the history books for all the wrong reasons.

Closed rules completely block Members from offering amendments on the House floor, and just yesterday, with the 49th closed rule of the year, this majority broke the record for becoming the most closed session of Congress in history. That is a long time.

Let me repeat that. This session of the 115th Congress is the most closed session ever. In fact, our present Speaker has not had an open rule.

This is not some arcane matter. More than 1,300 amendments have been blocked this year through the restrictive rules. It has prevented action on matters that touch nearly every sector of society.

This week we saw another mass shooting in a church. Families gathered together in a small Texas town, and a man with a gun came in and killed 26 of them and wounded 20 more. One family lost eight of its cherished members. Those killed in that attack equal 7 percent of the small town's entire population.

Now, this Congress could work together and actually stop these tragic murders because this is the place where we can do that, but under the majority, we can't even get a vote on any measure that would do anything about it.

If you care about whether we send troops to war in Afghanistan and Syria—if you care—then closed rules matter.

If you care about protecting whistleblowers or reducing government spending, then closed rules matter.

If you care about whether we build the President's offensive border wall with Mexico or strengthen ethics in the executive branch, then closed rules matter.

If you care about protecting the nearly 800,000 young DREAMers nationwide, then closed rules definitely matter.

The majority has used restrictive closed and structured rules to prevent debate and votes on these and many, many other important matters from ever happening here on the House floor.

Each of us has been elected to do our job representing our constituents by amending legislation on this floor, but because of the closed process, we are being prevented from doing our jobs.

Bills routinely come before the Rules Committee that haven't even been fully considered by the relevant committees. Such a bill is before us today.

When Speaker RYAN took the gavel 2 years ago, he said: "Only a fully functioning House can really, truly do the people's business." Well, Mr. Speaker, we are not doing the people's business. We are unable to do the job we were sent here to do. We are unable to take action on the things our constituents care about most.

It is no wonder that this Congress is the most unpopular Congress in recent memory. It is past time that we return to regular order and start tackling the major issues that we face.

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

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. EMMER).

Mr. EMMER. Mr. Speaker, obtaining accessible and reliable forms of capital is one of the biggest challenges that small businesses and entrepreneurs face today. I will say that again. We are not talking about large corporations. We are talking about small businesses and entrepreneurs.

According to the 2016 Year-End Economic Report from the National Small Business Association, 41 percent of all small businesses surveyed said that "lack of capital is hindering their ability to grow their business or expand their operations, and 20 percent said they had to reduce the number of employees as a result of tight credit."

That is why I introduced the Micro Offering Safe Harbor Act. This bill does not create a new securities registration exemption under the Securities Act; rather, it defines what constitutes a permissible nonpublic offering, and it provides small businesses with the clarity and confidence to know that their offering is not a violation of the Securities Act.

If enacted, this will make it easier for entrepreneurs and small businesses—again, not large corporations—to raise money from family, friends, and their personal network without running afoul of the vague and undefined private offering safe harbor provisions in the Securities Act of 1933.

More specifically, this legislation requires the following three criteria be

met simultaneously in order to trigger a safe harbor exemption for a security offering: each purchaser must have a substantive preexisting relationship with an owner; there can be no more than 35 purchasers of securities from the issuer that are sold in reliance on the exemption during the 12-month period preceding; and, lastly, the aggregate amount of all securities sold by the issuer cannot exceed \$500,000 during the 12 months preceding the offering.

The Micro Offering Safe Harbor Act helps bring clarity to existing law so that our current and future job creators can easily raise capital within the confines of an easy-to-understand provision without the help of an ever increasingly expensive expert.

□ 1245

Furthermore, the legislation preserves all Federal and State antifraud protections. Ultimately, this bill will scale existing Federal rules and regulatory compliance for small businesses, thus providing another practical option for entrepreneurs to raise the capital they need to start and grow their business.

The timing for this legislation could not be better, as the House continues to promote job creation and economic growth through this once-in-a-generation effort to reform our Tax Code.

As our small businesses and startups continue to provide for over half of all current jobs and over 65 percent of all net new jobs since the 1970s, we must provide the tools they need to succeed, and this legislation does just that.

I thank Chairman HENSARLING, Chairman SESSIONS, and Chairman HUIZENGA for working to bring this important bill to the floor.

Mr. Speaker, I urge my colleagues to support the previous question, adopt the rule for H.R. 2201, and vote in favor of the Micro Offering Safe Harbor Act when it comes to the floor for consideration.

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act. This bipartisan, bicameral legislation would help thousands of young people who are Americans in every way, except on paper.

Democrats have tried numerous times to protect DREAMers. We voted over and over to try and bring the Dream Act, and we have offered amendments, only to be blocked by this record-breaking closed Congress. There is bipartisan agreement that something must be done to help these young people. Let's do it today.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. AGUILAR) to discuss our proposal.

Mr. AGUILAR. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, today I must ask a question of this Chamber: What makes America great?

Do we measure greatness by the strength of our economy or by the size of our military?

Is greatness defined by export prices and profits of corporations?

You see, Mr. Speaker, I don't think that is the case. I believe that we are a nation built upon a set of unshakable values. It is our ability to uphold these values, not the rise and fall of the stock market, that will ultimately define our greatness.

One of our values is this: if you work hard, set goals, and refuse to give up, you can fulfill your dreams. As Americans, this value is engrained into all of us. We repeat it each and every day, and we tell our kids to follow their dreams, or tell them that they can be anything that they want when they grow up.

We say these things, Mr. Speaker, because we believe them. We believe that hard work pays off. We believe that dreams can come true.

Yet, on September 5 of this year, President Trump ignored these American beliefs when he ended the DACA program. That decision told nearly 800,000 young people in this country that their hard work didn't matter and that their dreams of pursuing success might not pay off in the end.

These young DREAMers, who are as American as any of us, go to school here, they have jobs here, they raise families in our communities, and they serve in our military.

This is why each and every day we fail to pass the Dream Act, we call the values that make our country great into question. If we fail to pass this bipartisan legislation, then we are no longer a nation where hard work pays off.

I will be forced to explain that to DREAMers in my district. I will have to tell Minerva, who paid her way through college, that she will have to give up her dream of medical school. I will have to explain to Leticia that, despite becoming the first in her family to attend college, she will not be able to fulfill her dream of serving others as a social worker.

You see, Mr. Speaker, these are real young people with real dreams. They deserve a real answer. They put in the work, they have done everything they can to build lives in this country, and we need to come together to make sure that we uphold our values and allow them to continue those lives here.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can bring the Dream Act to the floor for a vote immediately. This country is great because we uphold our

values. Mr. Speaker, it is time that we prove that.

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. HUIZENGA), chairman of the Subcommittee on Capital Markets, Securities, and Investments.

Mr. HUIZENGA. Mr. Speaker, I appreciate my friend from Colorado allowing me an opportunity to speak on this bill.

Mr. Speaker, currently, the Securities and Exchange Commission prohibits the sale or delivery of securities that have not been registered with the agency.

A large portion of startups—and, really, these are ideas—rely on small, nonprofit offerings also known as private placements, such as with friends and family. They do a round of offerings in order to raise initial, early-stage seed capital; however, the Securities Act of 1933 does not define what constitutes a public offering or, conversely, a nonpublic offering. As a result, startups may unintentionally violate the act when it seeks to offer securities to potential investors in a private placement.

Let's put that in real English. Let's make this actually approachable in a way that I think true American entrepreneurs can understand.

The reality is, these are people with an idea, a drive to move forward and to improve something. They go and offer to their family, or maybe ask of their family, to be a part of that dream, to help with some seed capital, to give them a little bit of their hard-earned money to help them achieve their dream.

And, guess what?

They get to take part in the success of that. There is some risk, but there is also reward.

How this really translates is that there might be the doctor who has got a great idea for a new health drink or a new implement to use while he is in surgery. This might be a mom who left the workforce and was taking care of her kids and said: There has got to be a better way of making sure my kids are getting a healthy meal transported to school; or something like that.

These are people who are looking around and saying: I can go make life better not for me, not just for my family, but for others. They are then trying to pursue that.

To address this uncertainty that we have, H.R. 2201, the Micro Offering Safe Harbor Act, would implement a simple amendment to the Securities Act of 1933, by making clear what constitutes a nonpublic offering.

It is going to provide small businesses with needed clarity and confidence to know that their offering is not a Securities Act violation. Think of that. Again, it might be that doctor or that stay-at-home mom who is out there just trying to fund an idea, unintentionally and with no malice or no understanding that they are violating Federal law.

A micro-offering authorized under this bill would allow small businesses or small entrepreneurs to operate with confidence, and the commonsense requirements to be a part of this are such:

Each investor has a substantive pre-existing relationship with an owner. This is no fly-by friendship. This is somebody who you actually know;

There are fewer than 35 purchasers or investors; and

Also, the amount cannot exceed \$500,000.

If you just divide out \$500,000, which is a lot of money, by 35 people, that is less than \$15,000 a person. That is \$14,285, to be exact. This is not about helping Wall Street somehow, for crying out loud. This is about Main Street.

I believe it is important to note, as the sponsor, Mr. EMMER, had noted earlier, that nothing in this bill would remove or inhibit the authority of the Securities and Exchange Commission or the Department of Justice from prosecuting securities fraud.

With antifraud protections still in place, the legislation appropriately scales Federal rules and regulatory compliance costs for these small businesses and entrepreneurs.

H.R. 2201 is a commonsense bill designed to help Main Street and not Wall Street. Simply put, it will allow these small businesses and entrepreneurs, these DREAMers, to access capital necessary for their growth.

As I said, Representative EMMER has done a phenomenal job in shepherding this through. In a 2016 Capital Markets, Securities, and Investments Subcommittee hearing where we dealt with the bill, he had a great quote that said:

"The problem with the ability of small businesses to effectively use this exemption is—the term 'private offering' is not defined in law. Not only does this prevent small business from using the exemption, it leaves businesses who try to use the exemption and can't afford a team of expensive lawyers—which, again, most small businesses cannot—exposed to potential lawsuits and future liability. . . . This legislation will create a bright line safe harbor for small private offerings. It will help entrepreneurs open new businesses and expand existing ones."

Mr. Speaker, I applaud the hard work of my colleague, Mr. EMMER, on this bill, and I encourage all my colleagues to vote in favor of H.R. 2201.

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

Mr. Speaker, unnecessary, partisan bills like this one take up valuable floor time when we could be considering important legislation to extend expired programs like Perkins loans, which help low-income students finance their education, or to address gun violence. The American people are frightened of an agenda that prioritizes deregulation and corporations above all else.

Democrats have been pushing for votes on the House floor on amendments that would actually address the

major problems we are facing today. That includes everything from climate change and our military's role abroad to protecting the DACA recipients and addressing the gun violence epidemic that is tearing communities apart. But we have been blocked at every turn.

The majority has gone to unprecedented lengths to prevent any kind of real debate from happening. We have proof of that because they have used closed and structured rules to block more than 1,300 amendments so far this year. So far, this session is the most closed session of Congress since Congress began.

It is no wonder that just 13 percent of the public approves of Congress under this leadership. That is according to the latest figures from Gallup. The bill before us just continues that dangerous and unpopular agenda.

Mr. Speaker, I urge a "no" vote on the previous question, the rule, and the bill, and I yield back the balance of my time.

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

Mr. Speaker, this bill is an important step to improve the American economy. We need to support small businesses and their ability to grow. This will happen if we give the free market the opportunity to work.

We should get bureaucrats out of the way of small-business owners who only want to serve their families and communities. This bill moves us in that direction.

I thank Congressman TOM EMMER for introducing this important bill and for taking the time to come to the floor today. I also thank Chairman HENSARLING for his work on these bills as well as the House Financial Services Committee.

Chairman HENSARLING recently announced that he will not be seeking reelection to Congress, but we will all remember the great work he has done during his time in D.C. and the important contribution he made to the legislation we are looking at today.

Mr. Speaker, I ask my colleagues to vote "yes" on the rule, and I ask them to vote "yes" on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 609 OFFERED BY
MS. SLAUGHTER

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

SEC. 2 Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on

the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

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. BUCK. 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting the resolution, if ordered; and

Suspending the rules and passing H.R. 4173.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 616]

YEAS—224

Abraham	Curbelo (FL)	Herrera Beutler
Allen	Davidson	Hice, Jody B.
Amash	Davis, Rodney	Higgins (LA)
Amodeli	Denham	Hill
Arrington	Dent	Holding
Bacon	DeSantis	Hollingsworth
Banks (IN)	DesJarlais	Hudson
Barletta	Diaz-Balart	Huizenga
Barr	Donovan	Hultgren
Barton	Duffy	Hunter
Bergman	Duncan (SC)	Issa
Biggs	Duncan (TN)	Jenkins (KS)
Bilirakis	Dunn	Jenkins (WV)
Bishop (MI)	Emmer	Johnson (LA)
Bishop (UT)	Estes (KS)	Johnson (OH)
Black	Farenthold	Johnson, Sam
Blackburn	Faso	Jones
Blum	Ferguson	Jordan
Bost	Fitzpatrick	Joyce (OH)
Brady (TX)	Fleischmann	Katko
Brat	Flores	Kelly (MS)
Brooks (AL)	Fortenberry	Kelly (PA)
Brooks (IN)	Fox	King (IA)
Buchanan	Franks (AZ)	King (NY)
Buck	Frelinghuysen	Kinzinger
Bucshon	Gaetz	Knight
Budd	Gallagher	Kustoff (TN)
Burgess	Garrett	Labrador
Byrne	Gianforte	LaHood
Calvert	Gibbs	Lamborn
Carter (GA)	Gohmert	Lance
Carter (TX)	Goodlatte	Latta
Chabot	Gowdy	Lewis (MN)
Cole	Granger	LoBiondo
Collins (GA)	Graves (GA)	Long
Collins (NY)	Graves (LA)	Loudermilk
Comer	Graves (MO)	Love
Comstock	Griffith	Lucas
Conaway	Guthrie	Luetkemeyer
Cook	Handel	MacArthur
Costello (PA)	Harper	Marchant
Cramer	Harris	Marino
Crawford	Hartzler	Marshall
Culberson	Hensarling	Massie

Mast
 McCarthy
 McCaul
 McClintock
 McHenry
 McKinley
 McMorris
 Rodgers
 McSally
 Meadows
 Meehan
 Messer
 Moolenaar
 Mooney (WV)
 Mullin
 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
 Ros-Lehtinen
 Roskam
 Ross
 Rothfus
 Rouzer
 Royce (CA)
 Russell
 Rutherford
 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—190

Adams
 Aguilar
 Barragan
 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
 Clark (MA)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly
 Conyers
 Cooper
 Correa
 Costa
 Courtney
 Crist
 Crowley
 Cummings
 Davis (CA)
 Davis, Danny
 DeFazio
 DeGette
 Delaney
 DeLauro
 DelBene
 Demings
 DeSaulnier
 Deutch
 Dingell
 Doggett
 Doyle, Michael
 F.
 Ellison
 Engel
 Eshoo
 Espallat
 Esty (CT)
 Evans
 Foster
 Frankel (FL)
 Fudge

Gabbard
 Gallego
 Garamendi
 Gomez
 Gonzalez (TX)
 Gottheimer
 Green, Al
 Green, Gene
 Grijalva
 Gutiérrez
 Hanabusa
 Hastings
 Heck
 Higgins (NY)
 Himes
 Hoyer
 Huffman
 Jackson Lee
 Jayapal
 Jeffries
 Johnson (GA)
 Kaptur
 Keating
 Kelly (IL)
 Kennedy
 Khanna
 Sarbanes
 Kildee
 Kilmer
 Kind
 Krishnamoorthi
 Kuster (NH)
 Langevin
 Larsen (WA)
 Larson (CT)
 Lawrence
 Lawson (FL)
 Lee
 Levin
 Lewis (GA)
 Lieu, Ted
 Lipinski
 Loeb sack
 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
 Polis
 Price (NC)
 Quigley
 Raskin
 Rice (NY)
 Richmond
 Rosen
 Ruiz
 Ruppertsberger
 Rush
 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
 Vislosky
 Walz
 Wasserman
 Schultz
 Waters, Maxine
 Watson Coleman
 Welch
 Wilson (FL)
 Yarmuth

NOT VOTING—18

Aderholt
 Babin
 Bridenstine
 Cheney
 Coffman
 Cuellar
 Gosar

Grothman
 Hurd
 Johnson, E. B.
 LaMalfa
 Mitchell
 Norman
 Pocan

Rooney, Thomas
 J.
 Roybal-Allard
 Sanford
 Walker

□ 1326

Messrs. KHANNA, RYAN of Ohio, and HOYER changed their vote from “yea” to “nay.”

Messrs. CALVERT, KATKO, SMITH of New Jersey, and GOODLATTE changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. GROTHMAN. Mr. Speaker, had I been present, I would have voted “yea” on rollcall No. 616.

Ms. CHENEY. Mr. Speaker, I was unavoidably detained in a meeting with the Secretary of the Navy. Had I been present, I would have voted “yea” on rollcall No. 616.

Mr. COFFMAN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 616.

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

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

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

The yeas and nays were ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 190, not voting 9, as follows:

[Roll No. 617]

YEAS—233

Abraham
 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
 Brooks (AL)
 Brooks (IN)
 Buchanan
 Buck
 Bucshon
 Budd
 Burgess
 Byrne
 Calvert
 Carter (GA)
 Carter (TX)
 Chabot
 Cheney
 Coffman
 Cole
 Collins (GA)
 Collins (NY)
 Comer

Comstock
 Conaway
 Cook
 Costello (PA)
 Cramer
 Crawford
 Curbelo (FL)
 Davidson
 Davis, Rodney
 Denham
 Dent
 DeSantis
 DesJarlais
 Diaz-Balart
 Donovan
 Duffy
 Duncan (SC)
 Duncan (TN)
 Dunn
 Emmer
 Estes (KS)
 Farenthold
 Faso
 Ferguson
 Fitzpatrick
 Fleischmann
 Flores
 Fortenberry
 Fox
 Franks (AZ)
 Frelinghuysen
 Gaetz
 Gallagher
 Garrett
 Gianforte
 Gibbs
 Gohmert
 Goodlatte
 Gosar

Gowdy
 Granger
 Graves (GA)
 Graves (LA)
 Graves (MO)
 Griffith
 Grothman
 Guthrie
 Handel
 Harper
 Harris
 Hartzler
 Hensarling
 Herrera Beutler
 Hice, Jody B.
 Higgins (LA)
 Hill
 Holding
 Hollingsworth
 Hudson
 Huizenga
 Hultgren
 Hunter
 Issa
 Jenkins (KS)
 Jenkins (WV)
 Johnson (LA)
 Johnson (OH)
 Johnson, Sam
 Jones
 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
 Moolenaar
 Mooney (WV)
 Mullin
 Newhouse
 Noem
 Norman
 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
 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
 Walker
 Walorski
 Walters, Mimi
 Weber (TX)
 Webster (FL)
 Wenstrup
 Westerman
 Williams
 Wilson (SC)
 Wittman
 Womack
 Woodall
 Yoder
 Yoho
 Young (AK)
 Young (IA)
 Zeldin

NAYS—190

Adams
 Aguilar
 Barragan
 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
 Clark (MA)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly
 Conyers
 Cooper
 Correa
 Costa
 Courtney
 Crist
 Crowley
 Cummings
 Davis (CA)
 Davis, Danny
 DeFazio
 DeGette
 Delaney
 DeLauro
 DelBene
 Demings
 DeSaulnier
 Deutch
 Dingell
 Doggett
 Doyle, Michael
 F.
 Ellison
 Engel

Eshoo
 Espallat
 Esty (CT)
 Evans
 Foster
 Frankel (FL)
 Fudge
 Gabbard
 Gallego
 Garamendi
 Gomez
 Gonzalez (TX)
 Gottheimer
 Green, Al
 Green, Gene
 Grijalva
 Gutiérrez
 Hanabusa
 Hastings
 Heck
 Higgins (NY)
 Himes
 Hoyer
 Huffman
 Jackson Lee
 Jayapal
 Jeffries
 Johnson (GA)
 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
 Loeb sack
 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
 Polis
 Price (NC)
 Quigley
 Raskin
 Rice (NY)
 Richmond
 Rosen
 Ruiz
 Ruppertsberger
 Rush
 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	Tsongas	Wasserman	Esipallat	Lamborn	Rice (SC)	Wilson (SC)	Yarmuth	Young (IA)
Swalwell (CA)	Vargas	Schultz	Estes (KS)	Lance	Richmond	Wittman	Yoder	Zeldin
Takano	Veasey	Waters, Maxine	Esty (CT)	Langevin	Roby	Womack	Yoho	
Thompson (CA)	Vela	Watson Coleman	Evans	Larsen (WA)	Roe (TN)	Woodall	Young (AK)	
Thompson (MS)	Velázquez	Welch	Farenthold	Larson (CT)	Rogers (AL)			
Titus	Visclosky	Wilson (FL)	Faso	Latta	Rogers (KY)			
Tonko	Walz	Yarmuth	Ferguson	Lawrence	Rohrabacher	Allen	Hurd	Pocan
Torres			Fitzpatrick	Lawson (FL)	Rokita	Bridenstine	Johnson, E. B.	Roskam
			Fleischmann	Lee	Rooney, Francis	Cuellar	Messer	Royal-Allard
			Flores	Levin	Rooney, Thomas	Franks (AZ)	Mitchell	Sanford
			Fortenberry	Lewis (GA)	J.			
			Foster	Lewis (MN)	Ros-Lehtinen			
			Fox	Lieu, Ted	Rosen			
			Frankel (FL)	Lipinski	Ross			
			Frelinghuysen	LoBiondo	Rothfus			
			Fudge	Loebsack	Rouzer			
			Gabbard	Lofgren	Royce (CA)			
			Gaetz	Long	Ruiz			
			Gallagher	Loudermilk	Ruppersberger			
			Gallego	Love	Rush			
			Garamendi	Lowenthal	Russell			
			Garrett	Lucas	Rutherford			
			Gianforte	Luetkemeyer	Ryan (OH)			
			Gibbs	Lujan Grisham,	Sánchez			
			Gohmert	M.	Sarbanes			
			Gomez	Luján, Ben Ray	Scalise			
			Gonzalez (TX)	Lynch	Schakowsky			
			Goodlatte	MacArthur	Schiff			
			Gosar	Maloney,	Schneider			
			Gottheimer	Carolyn B.	Schrader			
			Gowdy	Maloney, Sean	Schweikert			
			Granger	Marchant	Scott (VA)			
			Graves (GA)	Marino	Scott, Austin			
			Graves (LA)	Marshall	Scott, David			
			Graves (MO)	Massie	Sensenbrenner			
			Green, Al	Mast	Serrano			
			Green, Gene	Matsui	Sessions			
			Griffith	McCarthy	Swell (AL)			
			Grijalva	McCaul	Shea-Porter			
			Grothman	McClintock	Sherman			
			Guthrie	McCollum	Shimkus			
			Gutiérrez	McEachin	Shuster			
			Hanabusa	McGovern	Simpson			
			Handel	McHenry	Sinema			
			Harper	McKinley	Sires			
			Harris	McMorris	Slaughter			
			Hartzler	Rodgers	Smith (MO)			
			Hastings	McNerney	Smith (NE)			
			Heck	McSally	Smith (NJ)			
			Hensarling	Meadows	Smith (TX)			
			Herrera Beutler	Meehan	Smith (WA)			
			Hice, Jody B.	Meeke	Smucker			
			Higgins (LA)	Meng	Soto			
			Higgins (NY)	Moolenaar	Speier			
			Hill	Mooney (WV)	Stefanik			
			Himes	Moore	Stewart			
			Holding	Moulton	Stivers			
			Hollingsworth	Mullin	Suozzi			
			Hoyer	Murphy (FL)	Swalwell (CA)			
			Hudson	Nadler	Takano			
			Huffman	Napolitano	Taylor			
			Huizenga	Neal	Tenney			
			Hultgren	Newhouse	Thompson (CA)			
			Hunter	Noem	Thompson (MS)			
			Issa	Nolan	Thompson (PA)			
			Jackson Lee	Norcross	Thornberry			
			Jayapal	Norman	Tiberi			
			Jeffries	Nunes	Tipton			
			Jenkins (KS)	O'Halleran	Titus			
			Jenkins (WV)	O'Rourke	Tonko			
			Johnson (GA)	Olson	Torres			
			Johnson (LA)	Palazzo	Trott			
			Johnson (OH)	Pallone	Tsongas			
			Johnson, Sam	Palmer	Turner			
			Jones	Panetta	Upton			
			Jordan	Pascrell	Valadao			
			Joyce (OH)	Paulsen	Vargas			
			Kaptur	Payne	Veasey			
			Katko	Pearce	Vela			
			Keating	Pelosi	Velázquez			
			Kelly (IL)	Perlmutter	Visclosky			
			Kelly (MS)	Perry	Wagner			
			Kelly (PA)	Peters	Walberg			
			Kennedy	Peterson	Walden			
			Khanna	Pingree	Walker			
			Kihuen	Pittenger	Walorski			
			Kildee	Poe (TX)	Walters, Mimi			
			Kilmer	Poliquin	Walz			
			Kind	Polis	Wasserman			
			King (IA)	Posey	Schultz			
			King (NY)	Price (NC)	Waters, Maxine			
			Kinzinger	Quigley	Watson Coleman			
			Knight	Raskin	Weber (TX)			
			Krishnamoorthi	Ratcliffe	Webster (FL)			
			Kuster (NH)	Reed	Welch			
			Kustoff (TN)	Reichert	Wenstrup			
			Labrador	Renacci	Westerman			
			LaHood	Rice (NY)	Williams			
			LaMalfa		Wilson (FL)			

NOT VOTING—9

Aderholt	Hurd	Pocan
Bridenstine	Johnson, E. B.	Royal-Allard
Cuellar	Mitchell	Sanford

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1334

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.

VETERANS CRISIS LINE STUDY ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4173) to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 618]

YEAS—420

Abraham	Buchanan	Costa
Adams	Buck	Costello (PA)
Aderholt	Bucshon	Courtney
Aguiar	Budd	Cramer
Amash	Burgess	Crawford
Amodei	Bustos	Crist
Arrington	Butterfield	Crowley
Babin	Byrne	Culberson
Bacon	Calvert	Cummings
Banks (IN)	Capuano	Curbelo (FL)
Barletta	Carbajal	Davidson
Barr	Cárdenas	Davis (CA)
Barragán	Carson (IN)	Davis, Danny
Barton	Carter (GA)	Davis, Rodney
Bass	Carter (TX)	DeFazio
Beatty	Cartwright	DeGette
Bera	Castor (FL)	Delaney
Bergman	Castro (TX)	DeLauro
Beyer	Chabot	DelBene
Biggs	Cheney	Demings
Bilirakis	Chu, Judy	Denham
Bishop (GA)	Cicilline	Dent
Bishop (MI)	Clark (MA)	DeSantis
Bishop (UT)	Clarke (NY)	DeSaulnier
Black	Clay	DesJarlais
Blackburn	Cleaver	Deutch
Blum	Clyburn	Diaz-Balart
Blumenauer	Coffman	Dingell
Blunt Rochester	Cohen	Doggett
Bonamici	Cole	Donovan
Bost	Collins (GA)	Doyle, Michael
Boyle, Brendan	Collins (NY)	F.
F.	Comer	Duffy
Brady (PA)	Comstock	Duncan (SC)
Brady (TX)	Conaway	Duncan (TN)
Brat	Cannolly	Dunn
Brooks (AL)	Conyers	Ellison
Brooks (IN)	Cook	Emmer
Brown (MD)	Cooper	Engel
Brownley (CA)	Correa	Eshoo

NOT VOTING—12

Allen	Hurd	Pocan
Bridenstine	Johnson, E. B.	Roskam
Cuellar	Messer	Royal-Allard
Franks (AZ)	Mitchell	Sanford

□ 1340

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FRANKS of Arizona. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 618.

PERSONAL EXPLANATION

Mr. SANFORD. Mr. Speaker, I was detained this afternoon at Georgetown University Hospital as my youngest son Blake broke his nose last evening and I was attending to him. Had I been present, I would have voted "yea" on rollcall No. 616, "yea" on rollcall No. 617, and "yea" on rollcall No. 618.

HYDROPOWER POLICY MODERNIZATION ACT OF 2017

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include in the RECORD extraneous material on H.R. 3043.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 607 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3043.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Michigan (Mr. UPTON) and the gentleman from Illinois (Mr. RUSH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1345

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 3043, the Hydropower

Policy Modernization Act of 2017. This legislation, introduced by my friend and colleague from the Energy and Commerce Committee, CATHY MCMORRIS RODGERS, is an important step toward modernizing our energy infrastructure, creating jobs, and, yes, strengthening our economy. I want to thank her for her commitment to this issue.

The committee went through regular order with the bill. We held two hearings on background issues, one legislative hearing, and both subcommittee and full committee markups, where the bill was agreed to by a voice vote. Following the markups, bipartisan committee staff held more meetings to hear from over a dozen Tribal governments to gather additional views.

I think that the resulting bill strikes a careful balance. Changes were made to increase State and Tribal consultation requirements, and a very strong savings clause was added to protect States' authorities under the Clean Water Act.

Hydropower is an essential component of an all-of-the-above energy strategy for this country. Hydropower is clean; it is renewable and affordable base load power. It is good for consumers' electricity bills, and it is also good for jobs, which is why labor is strongly supportive of this legislation.

There is a tremendous opportunity to expand hydropower production on existing nonpowered dams. Less than 3 percent of the dams in the U.S., approximately 2,200 dams, produce electricity. There are also opportunities to improve the process for the projects that are due for relicensing. By 2030, over 400 existing projects, with almost 19,000 megawatts of capacity, will begin the relicensing process, and these projects, in fact, may be at risk.

Fixing the licensing process would also improve safety. Upgrading the performance of existing dams and utilizing existing nonpowered dams, canals, and conduits would enable investments, which would address aging dams and, yes, improve overall safety.

The duration, complexity, and uncertainty of the hydropower licensing process creates significant challenges that prevent investments that would create jobs and benefit consumers. The licensing process for a new hydropower development project can last over a decade and costs tens of millions of dollars—significantly longer than the time that it takes to construct a natural gas-fired power plant of the same size.

This legislation, H.R. 3043, would level the playing field by modernizing the permitting process without compromising environmental protections. The bill improves administrative efficiency, accountability, and transparency. It requires balanced, timely decisionmaking and reduces duplicative oversight from the multiple Federal agencies that review hydropower applications.

This bill brings certainty and timeliness to the licensing process by en-

hancing consultation with Federal, State, and local agencies and Indian Tribes, and it requires FERC to establish a process for setting the schedule for review. H.R. 3043 streamlines and improves procedures to identify scheduling issues, propose licensing conditions, and resolve disputes.

This bill also contains provisions to expedite the approval process for an amendment to a license for a qualifying hydro project upgrade. Without the hydropower licensing improvements in this bill—without them—we risk losing investment opportunities in new hydropower infrastructure which would benefit consumers with affordable electricity and expand the use of clean, renewable energy.

Again, I thank my colleagues for their work, and the great staff, on this important piece of legislation.

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

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, October 31, 2017.

HON. GREG WALDEN,

Chairman, Committee on Energy & Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 3043, the "Hydropower Policy Modernization Act of 2017." This bill contains provisions within the jurisdiction of the Committee on Oversight and Government Reform. As a result of your having consulted with me concerning the provisions of the bill that fall within our Rule X jurisdiction, I agree to forgo consideration of the bill so the bill may proceed expeditiously to the House floor.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3043 at this time we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and we will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Further, I request your support for the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, I would appreciate your response to this letter confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE, Washington, DC, November 1, 2017.

Hon. Trey Gowdy,

Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN GOWDY: Thank you for your letter concerning H.R. 3043, Hydropower Policy Modernization Act of 2017. As you note, this bill contains provisions within the jurisdiction of the Committee on Oversight and Government Reform, and appreciate your agreement to forgo consideration of the bill so the bill may proceed expeditiously to the House floor.

I agree that by foregoing consideration of H.R. 3043 at this time, the Committee on Oversight and Government Reform does not waive any jurisdiction over the subject mat-

ter contained in this or similar legislation, and you will be appropriately consulted and involved as the bill or similar legislation moves forward so that you may address any remaining issues that fall within your Rule X jurisdiction. Further, I will support the appointment of conferees from the Committee on Oversight and Government Reform during any House-Senate conference convened on this or related legislation.

Finally, a copy of our exchange of letters on this matter will be included in the Congressional Record during floor consideration thereof.

Sincerely,

GREG WALDEN,

Chairman.

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to H.R. 3043, the Hydropower Policy Modernization Act of 2017.

Mr. Chairman, while Members on both sides of the aisle support hydropower, unfortunately, the bill before us today is deeply flawed and will not modernize or improve the hydropower licensing process. Instead, Mr. Chairman, H.R. 3043 would place private profits above the public interest by giving priority of our public waterways to industry in order to generate power and profits over and above the rights and the interests of Native Tribes or farmers or fishermen, boaters, and other stakeholders who also rely on these public rivers and streams.

Mr. Chairman, it is very important for us to remember that hydroelectric licenses can span between 30 and 50 years, and, under existing law, a license holder can be granted automatic yearly extensions in perpetuity without even having to reapply.

Mr. Chairman, this issue is far too important for us not to get it right this time. And what does H.R. 3043 actually do?

This bill will make the Federal Energy Regulatory Commission, FERC, the lead agency over the licensing process and will require Native Tribes, the States, and other Federal resource agencies to pay deference to the Commission, even in areas where FERC has absolutely no expertise or statutory authority, including on issues regarding agricultural water use, drinking water protection, fisheries management, and recreational river use. How absurd, Mr. Chairman.

Additionally, Mr. Chairman, H.R. 3043 would expand and alter the trial-type hearing provisions on the Federal Power Act, essentially rigging the process in favor of industry by providing multiple new entry points to challenge conditions designed by Federal resource agencies.

Mr. Chairman, the threat of these timely and costly hearings may be used to coerce agencies to propose weaker conditions, and, at the same time, this bill also shifts the venue for these hearings to FERC, which is another very obvious handout and handover to industry.

Mr. Chairman, in testimony before the Energy and Commerce Committee, we heard, repeatedly, that a major

cause for licensing delays was due to incomplete applications that do not include all the pertinent information that is necessary to issue a decision.

Mr. Chairman, H.R. 3043 does nothing, absolutely nothing, to address this very, very serious issue. In fact, this bill will implement strict timelines on Federal resource agencies, States, and Tribes, but does not require applicants to submit all of their information to these agencies before the clock actually starts ticking.

Mr. Chairman, FERC, itself, the very agency that will be charged with implementing this grossly bad bill, FERC, itself, disputed claims that this bill would streamline the licensing process, noting that the legislation “could increase the complexity and the length of the licensing process.” These are FERC’s words, FERC’s words before the committee.

Mr. Chairman, we cannot allow hydropower facilities to claim a monopoly over our public waterways without mitigating the negative impacts of these facilities on others who rely on these resources and without, at the same time, without complying with modern environmental laws.

H.R. 3043, Mr. Chairman, is opposed by States, opposed by the Native Tribes, opposed by the outdoor recreation industry and by more than 150 national and local environmental organizations.

Mr. Chairman, it is for all of these reasons that I, too, stand in concert and side by side with Native Tribes, the outdoor recreation industry, and the other 150 national and local environmental organizations. It is for these reasons that I, too, must oppose this bill, and I urge all of my colleagues to do the same.

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

Mr. UPTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington State (Mrs. McMORRIS RODGERS), the author of this legislation.

Mrs. McMORRIS RODGERS. Mr. Chairman, I appreciate all of the work that has gone into this legislation, and I rise in support and urge support of the Hydropower Policy Modernization Act of 2017.

Hydropower serves as the Nation’s largest source of clean, renewable, reliable, and affordable energy. In my home State of Washington, it is roughly 70 percent of our electricity that comes from hydropower. It is one of the reasons that we enjoy some of the lowest electricity rates in the country.

Only 3 percent of the dams produce electricity, and there is room for tremendous potential to increase production of this renewable energy resource. In fact, we could double hydropower production and create an estimated 700,000 new jobs without building a single new dam, simply by updating the technology in our existing infrastructure and streamlining the relicensing process. But we must reduce the regu-

latory burden to allow this process to move forward.

This legislation seeks to streamline the relicensing process in an inclusive and environmentally friendly way. On average, it only takes 18 months to authorize or relicense a new natural gas facility—18 months—but it can take up to 10 years or longer to license a new hydropower project or relicense an existing facility—10 years.

Right now, it can be extremely costly and an uncertain process to relicense an existing dam or license a new dam. Investors are pursuing other base load sources of energy because of the current regulatory process. I want to encourage these investments so that we can support and expand renewable, carbon-free hydropower.

As I understand it, hydropower is well-supported by my colleagues, but many think we are tipping the scales in favor of this source.

First, I would like to define industry. We are hearing a lot about industry on the other side.

In eastern Washington, many of these dams are owned by small PUDs who pass on all of the costs to the ratepayers. These costs are delivered to the people of eastern Washington and throughout the United States. These are not major corporations.

I have also heard that we are lowering environmental standards during the licensing process for Tribes and States. At the request of the Western Governors’ Association, we added language to clarify that nothing in this bill—nothing in this bill—will touch the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Rivers and Harbors Appropriation Act, or the National Historic Preservation Act.

I have also heard that we did not allow Tribes and States to testify on this bill. I struggle with these comments. This bill has gone through regular order. We have held multiple hearings. We had a member from the Standing Rock Sioux Tribe on one of the panels. It passed out of committee with a voice vote because concerns were raised from the Tribes, and we committed to sitting down and working with the Tribes to attempt to reach some language. I am proud of our efforts in that regard, and I am greatly disappointed that, at the end of the day, the Tribes did not come to an agreement on the legislation.

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Although we weren’t able to reach that resolution, we do protect the integrity of this legislation.

Licenses are complex, but there is no excuse for a process to take 10 years. It is time to update the approval process and make hydropower production easier and less costly without sacrificing environmental review. That is exactly what the Hydropower Policy Modernization Act of 2017 will do.

Specifically, my legislation designates FERC as the lead agency for

the purpose of coordinating all applications of Federal authorizations, and establishes coordinated procedures for the licensing of hydropower projects.

By designating FERC as the lead when coordinating with agencies, States, and Tribes, there will be added transparency and collaboration. This added certainty in the relicensing process will diminish the burden on resource agencies, help avoid unnecessary delays, and ultimately lower costs to my constituents.

My legislation also incentivizes capital-intensive projects like updating turbines or improving fish ladders. Right now, these upgrades are only included in the lifespan of a dam’s license during the relicensing window.

Included in the legislation is an early action provision requiring FERC to include all protection, mitigation, and enhancement measures during the relicensing process. In addition, the legislation allows the timely and efficient completion of licensing procedures by minimizing the duplication of studies and establishing a program to compile a comprehensive collection of studies and data on a regional or basin-wide scale. At the same time, industry has the option to help pay for studies and staff resources to speed up the process.

As a co-chair of the Northwest Energy Caucus, I recognize and I am excited about the tremendous potential hydropower brings not just to my district in eastern Washington, but to the country. By utilizing currently untapped resources and unleashing American ingenuity, hydropower production will lower energy costs and help create jobs.

This bill is not about changing outcomes or environmental law. This bill is about speeding up the process and saving time and money.

Mr. Chair, I urge all of my colleagues to support clean American energy and to support the Hydropower Policy Modernization Act of 2017.

Mr. RUSH. Mr. Chair, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE), from the State that made such a significant and giant step last night to making our Nation a better nation, the ranking member of the full committee.

Mr. PALLONE. Mr. Chair, I thank Mr. RUSH, our ranking member of the subcommittee, for yielding.

Mr. Chair, I rise in strong opposition to H.R. 3043.

I support hydropower. It can deliver low-carbon, affordable power if it is well-sited and managed. But these facilities, which are licensed for 30 to 50 years, can do enormous harm to fisheries, agriculture, and recreational cultural resources if not properly overseen. The hydropower licensing process can be more efficient, but electric utilities should not be permitted to operate without license conditions that ensure other public interests are met.

As I look at H.R. 3043 and weigh it against the list of stakeholders with interests in the rivers and watersheds

that provide hydroelectric facilities their fuel, I see a bill that is unbalanced, regressive, and dangerous; that will harm farmers, fishermen, boaters, Tribes, and drinking water.

H.R. 3043 will allow private hydropower companies to use public water resources to generate power and profit, but without mitigating the negative impacts of their facilities on others who rely on our rivers, and without complying with modern environmental laws.

H.R. 3043, is a direct assault on States' rights, Tribal rights, and it undercuts major environmental laws, including the Clean Water Act, the National Environmental Policy Act, and the Endangered Species Act. It prioritizes the use of rivers for power generation above the needs of all other water uses, and it inserts the Federal Energy Regulatory Commission into decisions that it has no authority, experience, or expertise to make.

So what this bill will not do is speed up the licensing process. FERC testified before our committee that one of the causes of delay in the licensing process was the failure of the applicant to provide a complete application, yet this bill does nothing to ensure that an applicant provides one. It makes no sense to impose a deadline if there is no clearly defined starting point in the form of a completed application.

How can a State make a decision on a water quality certificate if the applicant hasn't submitted the information that State needs to make that decision?

While FERC requires applicants to submit a complete application on the matters over which it has direct responsibility, the Commission has many times denied a similar opportunity to State and Federal agencies with regard to matters where they have primacy. In fact, FERC has a history of merely consulting with other stakeholders while dismissing their concerns and failing to incorporate minimal resource protections into hydropower licenses.

As an example, FERC recently failed to impose a number of conditions the State of West Virginia included in its water quality certificate for a project on the Monongahela River. FERC did this in spite of the fact that West Virginia acted in a timely manner. West Virginia acted in accordance with its law and delegated responsibility under the Clean Water Act.

Yesterday, I sent a letter with several of my colleagues to FERC expressing concern over the process it used on this project.

This bill virtually ensures that type of situation will be repeated. Now, a project that is noncontroversial, supported by the State, is likely to be stalled by hearings and other possible litigation that could have been avoided.

Mr. Chair, the truth is that H.R. 3043 treats Federal agencies, State governments, and Indian Tribes as second

class citizens in this process. FERC is required to consult with them, but consultation does not ensure they will get FERC's support to fulfill their missions.

In this bill, all of the discipline is applied to government agencies, but none to the applicant. This is especially true in the case of license renewals. Any license that wants to avoid new investments or operating conditions can certainly do so because FERC will grant them automatic annual license renewal for as many years as they need.

Another reason why this bill will not expedite hydroelectric licenses is because, rather than streamlining the process, H.R. 3043 greatly expands litigation opportunities, something that will increase the expense and time required to award a license. It does this by providing for a biased, costly trial-type hearing process to secure decisions in the utility's favor.

Current law allows a single opportunity to challenge an agency condition to avoid undue expense and delay in the licensing process. H.R. 3043 expands the opportunities to challenge agency decisions, allows multiple challenges, and moves the venue for these hearings.

Not even FERC thinks that this is a good idea. In fact, at our hearing on this bill, the Deputy Associate General Counsel of FERC advised the committee to either retain the existing trial-type hearing process or eliminate it altogether.

Well, that advice obviously fell on deaf ears because the bill puts the trial-type hearing process on steroids. In essence, the private hydro companies pick the venue, set the rules, and secure additional points in the license process to challenge conditions that Federal resource agencies or FERC seeks to impose on a license to protect public interests. FERC warned that this change would increase the expense, complexity, and the length of licensing process—hardly the traits you would associate with streamlining.

Ultimately, the bill is a bad bill because it is bad for Native Americans; it is bad for the environment; it is bad for recreation; it is bad for farmers and agriculture; and H.R. 3043 is bad for States, that will now find it much harder to protect water quality and manage the waters within their boundaries.

Maybe that is why the bill is opposed by States, Tribes, the outdoor recreation industry, and more than 150 national and local environmental organizations.

Opponents of the bill include the Western Governors' Association, the Southern States Energy Board, the National Congress of American Indians, the Environmental Council of the States, the Outdoor Alliance, the National Wildlife Federation, the American Rivers, Trout Unlimited, and the League of Conservation Voters, among many others.

Perhaps the ultimate condemnation comes from FERC, which, in testimony

before our committee, disputed claims that the bill would streamline the licensing process, noting that the legislation "could increase the complexity and length of the licensing process."

Hydropower facilities are using our most precious resource: water.

I don't think it is too much to ask that facilities awarded long-term licenses and free fuel share the rivers with others.

Mr. Chair, I urge my colleagues to oppose the bill.

Mr. UPTON. Mr. Chair, I yield 1½ minutes to the gentleman from Virginia (Mr. GRIFFITH), a member of the Energy and Commerce Committee.

Mr. GRIFFITH. Mr. Chairman, hydropower is an essential component of an all-of-the-above energy strategy.

We have a tremendous opportunity to expand renewable hydropower production. However, without some much-needed licensing improvements, we risk losing investment opportunities in new hydropower infrastructure. In particular, closed-loop pumped storage hydro projects offer the opportunity to store energy for use when it is needed.

I have introduced separate legislation, H.R. 2880, with the goal of making the review process of these projects as efficient as possible. Both H.R. 3043 and H.R. 2880 will allow the Federal Energy Regulatory Commission to impose licensing conditions only as necessary to protect public safety, or that are reasonable, economically feasible, and essential to protect fish and wildlife resources.

I am excited about the possibility some are exploring to build these facilities in abandoned mine lands. This renewable energy solution for power could be a real benefit to our coal field regions in central Appalachia in the form of jobs, economic development, and energy security. I am proud of what we are doing here in an effort to make this happen.

Industry and labor groups alike support H.R. 3043 because a modern regulatory framework for hydro is good for jobs and good for consumers. The following groups have written in support of the bill:

The American Council on Renewable Energy, the International Brotherhood of Boilermakers, the International Brotherhood of Electrical Workers, the International Federation of Professional and Technical Engineers, and many others.

Mr. Chairman, I include in the RECORD the letter containing the names of supporters.

NOVEMBER 6, 2017.

The undersigned groups are writing to express strong support for H.R. 3043, the Hydropower Policy Modernization Act of 2017, and to request your vote as it is considered on the floor of the U.S. House of Representatives this week.

Hydropower is America's single largest provider of renewable electricity, making up almost one-half of all generation from renewable resources. Given that hydropower is an important source of domestic, emissions-free, flexible power needed to ensure consistent and reliable electric service, we must

look to preserve and protect our existing hydropower system and promote new expansion opportunities.

H.R. 3043 provides a framework that adds accountability and transparency, eliminates inefficiencies and redundancies, and unlocks innovation and advancements in technology and operations, while protecting environmental values, public participation, and all existing authorities of federal and state decision-makers in the licensing process.

The current regulatory environment is placing hydropower at risk. The licensing process can result in both new and existing projects taking up to ten years or longer to receive their approvals. This not only creates uncertainty for project owners and developers alike, but burdens electricity customers with additional unnecessary costs and only delays important environmental measures that the industry, resource agencies, and the environmental community agreed upon during the licensing process and want to see deployed.

Additionally, the fleet of almost 2,200 hydropower projects across the country supports approximately 118,000 ongoing full-time equivalent jobs in operations and maintenance and 25,000 jobs in construction and upgrades. By maintaining our existing fleet and supporting growth in the sector, the hydropower industry could support close to 200,000 jobs. Further local economic development in other industries is also spurred due to access to affordable electricity from hydropower projects. However, we will not realize the full measure of these jobs and economic opportunities without improvements to the licensing process.

We believe H.R. 3043 is a moderate proposal developed with bipartisan input and, as such, deserves strong support by both Republicans and Democrats. Please contact any of our organizations for additional information or assistance on this bill.

Sincerely,

The American Council on Renewable Energy (ACORE), American Public Power Association (APPA), Business Council for Sustainable Energy (BCSE), Edison Electric Institute (EEI), International Brotherhood of Boilermakers (Boilermakers), International Brotherhood of Electrical Workers (IBEW), International Federation of Professional and Technical Engineers (IFPTE), Large Public Power Council (LPPC), Laborers' International Union of North America (LiUNA), National Electrical Contractors Association (NECA), National Hydropower Association (NHA), National Rural Electric Cooperative Association (NRECA), North America Building Trades Council (NABTU), United Brotherhood of Carpenters and Joiners of America (Carpenters).

Mr. UPTON. Mr. Chair, can I inquire as to how much time is remaining on both sides?

The Acting CHAIR (Mr. ROGERS of Kentucky). The gentleman from Michigan has 17 minutes remaining, and the gentleman from Illinois has 16 minutes remaining.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. SARBANES), a very important member of the committee.

Mr. SARBANES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chair, I rise in opposition to the Hydropower Policy Modernization Act of 2017 because it weakens States' rights to protect their own water quality.

Under the Clean Water Act, States have the right to protect their water by setting water quality conditions on hydropower licenses. This bill would constrain that authority, forcing States to issue rushed conditions using incomplete scientific data, or surrender their authority to issue conditions at all. In short, the choice that States have to protect their water and their people is to either do it poorly or not at all.

We had a fix for this. We had an amendment to H.R. 3043, but it was not made in order. It would have preserved the critical role States play in protecting local water quality by exempting their rights under the Clean Water Act from the bill.

For Marylanders in my State, this issue is bipartisan and hits close to home. FERC is currently considering the relicensing of a hydroelectric dam on the Susquehanna River. The Susquehanna provides 50 percent of all of the freshwater that reaches the Chesapeake Bay, making it a critical driver of the Bay's water quality. Any new FERC license will need to have conditions that protect the Susquehanna and the Bay from the sediment and nutrient pollution built up behind the dam. That is why even Republicans in our State, the secretary of the environment, and secretary of natural resources sent a letter urging Congress to strike the provisions in this bill that would limit Maryland's ability to set water quality conditions.

I am disappointed that my colleagues on the other side of the aisle in this body, who so often remark on the importance of protecting States' rights from usurping Federal agencies, have refused to protect States by bringing this critical amendment to the floor.

Mr. Chair, I urge all of my colleagues to oppose H.R. 3043.

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Mr. UPTON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), who is the chair of the Energy and Commerce Committee.

Mr. WALDEN. Mr. Chairman, I want to draw attention, first of all, to page 17, line 23, of the bill because we have heard from those who oppose it that somehow this could adversely undermine the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, et cetera.

Line 23 makes it very clear, "No effect on other laws. Nothing in this section shall be construed to affect any requirement of" these underlying and very important laws that protect our environment.

So I just want to make sure that is in the RECORD. This is the current text of the bill we are voting on today.

Mr. Chairman, I rise in support of H.R. 3043, the Hydropower Policy Modernization Act.

Hydropower plays an enormously important role in electricity generation across the country, and especially in

my home State of Oregon. Hydropower generates 43 percent of electricity in my State. It is dependable base load, it is carbon-free, it is renewable, and it is very important to our region.

Nationally, hydropower is one of the largest sources of renewable electricity generation. A recent Department of Energy report said that U.S. hydropower could grow by almost 50 percent by the year 2050.

Thankfully, my good friend from Washington, CATHY MCMORRIS RODGERS, introduced this legislation because, as these entities go to relicense, sometimes it costs tens of millions of dollars just to get a renewal of a government permit to continue to do what you have been doing, and it can take 7 to 10 years to work through the process. By the way, all those costs generally—guess who pays for them? The ratepayers. People paying their electricity bill end up paying for all this incredible, out-of-control review and regulation.

As the committee worked on this legislation under the able hand of the chairman of the Subcommittee on Energy, Mr. UPTON, we solicited feedback from all stakeholders as we crafted this. We made a number of changes to address the concerns. We had hearings, and we had lots of other individual discussions and roundtables. We added new provisions to ensure that States and Tribes are consulted early in the licensing process to identify and resolve issues of concern.

We also made sure that State and local governments could recoup the cost of reviewing applications and conducting studies. We even added a strong savings clause that clarifies our intent that nothing in the bill shall be construed to effect any requirement of the Clean Water Act, the Endangered Species Act, and other environment laws.

As a result, we find ourselves here today with bipartisan support for this legislation and the support of the American Council on Renewable Energy, the American Public Power Association, the Business Council for Sustainable Energy, Edison Electric Institute, the International Brotherhood of Boilermakers and Electrical Workers, the International Federation of Professional & Technical Engineers, the Large Public Power Council, Laborers' International Union of North America, the National Electrical Contractors Association, the National Hydropower Association, the National Rural Electric Cooperative Association, North America Building Trades Council, and the United Brotherhood of Carpenters and Joiners of America—those most intricately involved in making sure we have reliable and clean base load hydropower.

Support this modernization legislation. Mr. Chairman, it is bipartisan, and I urge my colleagues to support it.

Mr. RUSH. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I thank the ranking member of our subcommittee, the gentleman from Illinois, for his leadership and hard work on the subcommittee and for yielding me this time.

Mr. Chairman, I want to express a few concerns with the bill before us. But first, let me say that I support hydropower and believe it must be maintained as an important part of our generation mix.

Hydro is an excellent source of reliable, zero-emissions electricity generation. In order to address climate change and increase clean energy production, it is, indeed, critical that we make licensing and relicensing of these projects feasible.

This is an important issue for my home State of New York. Hydropower resources produce 19 percent of New York State's total electricity generation in 2016. The average age of New York's hydropower facilities is over 50 years, and many projects are expected to go through the relicensing process in the next 15 years.

I want to reiterate that Members on both sides of the aisle want to see these projects developed within reasonable timelines. I understand the current challenges in relicensing and the desire to bring greater certainty to the process. However, I do not think the bill before us would address those concerns in a balanced approach, which takes into account the legitimate concerns of State and Tribal governments and environmental stakeholders.

The process that produced this bill was flawed from the beginning. The committee failed to hold a hearing to understand the concerns of State and Tribal governments or Federal resource agencies. These entities would be those whose authorities may be limited by FERC under this legislation.

The bill enables FERC to set a schedule that may limit State and Tribal governments and other Federal agencies from having the time to fully consider and, yes, set conditions on license applications.

An enforceable FERC schedule, outside the control of these agencies, may create a perverse incentive for applicants to slow-walk their responses to information requests from other agencies and State governments, effectively running out the clock and preventing conditions from being required on the application.

Our water resources are precious. Different stakeholders have a variety of expectations and demands—power generation, recreation, wildlife and fish habitat, drinking water, and agriculture. Managing these resources effectively is about balancing those often-competing interests.

The Democratic alternative addresses the schedule concern by allowing stakeholders to be involved in the creation of the schedule-setting process. But I also believe FERC has some of the necessary tools already in the underutilized Integrated Licensing Proc-

ess which encourages all stakeholders to engage in a robust, information sharing process up front.

Now, finally, to set the record straight, I listened intently as the gentlewoman from Washington State, the sponsor of the bill, spoke to the fact that the Standing Rock Sioux were, indeed, represented at hearings, that they had a witness at the FERC hearings. They were there to discuss pipelines and not hydro.

Mr. Chairman, so I am opposing this bill today, but I hope we can move forward with a truly bipartisan process in the future to improve the licensing process while respecting the needs of all stakeholders.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who is a member of the Natural Resources and Armed Services Committees, to speak in support of the bill.

Mr. LAMBORN. Mr. Chairman, I rise today in support of H.R. 3043, the Hydropower Policy Modernization Act of 2017, sponsored by the gentlewoman from the State of Washington (Mrs. MCMORRIS RODGERS).

This bill simply intends to bring hydropower permitting into the 21st century by improving efficiency, accountability, and transparency within the Federal Energy Regulatory Commission and also reducing Federal duplication.

Hydropower is a reliable and emissions-free source of electricity that accounts for much of the Nation's total renewable electricity generation. In fact, only 3 percent of existing dams in the United States produce hydroelectricity. This illustrates the vast opportunity in this country for new hydropower generation.

In the Water, Power, and Oceans Subcommittee of the Natural Resources Committee which I chair, we have spent much of this Congress crafting and advancing legislation to capitalize on these opportunities. Legislation such as my bill, the Bureau of Reclamation Pumped Storage Hydropower Development Act, is intended to promote pumped storage hydropower development at existing reclamation facilities. Mrs. MCMORRIS RODGERS' bill in front of us today goes hand in hand with those efforts.

Even our friends across the aisle agree with our efforts to promote hydropower development. At a May oversight hearing in my subcommittee on the challenges facing hydropower, committee Democrats helpfully suggested that we should find ways to retrofit all nonpowered Federal facilities with hydropower. We should all agree that improving the permitting and approval process for these facilities would be the easiest way to achieve this goal.

Mr. Chairman, I want to thank Congresswoman MCMORRIS RODGERS again for sponsoring this critical piece of legislation. She has been and continues to be a champion supporter of hydropower. Just last month, my sub-

committee considered another bill authored by the Congresswoman—H.R. 3144—that looks to provide certainty and reliability to several Federal hydropower projects producing electricity in the Federal Columbia River Power System that have been mired in third-party litigation, questionable and expensive judicial edicts, and onerous Federal regulations.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Chairman, February 17, Oroville Dam, California, a 30-foot potential tsunami coming down on the cities of Oroville and further down the river in Marysville and Yuba City. 200,000 people evacuated. Thankfully, the rain did stop and the levee, or the spillway, that had failed did not become a catastrophe.

FERC is now in the process of relicensing the dam, and a complete environmental impact statement is now more than a decade over, 2007. However, there have been very significant changes like, you know, maybe the dam could collapse, or the spillway. We know that the river has been further congested with the material that came from the broken spillway.

There are serious negative environmental impacts that have resulted from the damaged spillway. The river can't carry the same capacity. It has been silted.

Bottom line, it is for these reasons that a failure by FERC to require a supplemental environmental impact statement would be a serious abdication of FERC's responsibility.

Unfortunately, a proposed amendment by Mr. LAMALFA, my good Republican colleague, and me to require such a supplemental impact statement was not included in the bill. Nevertheless, my message to FERC is clear: you must do this so that there is full protection and full understanding of the potential impact that this dam will have on communities, our water supply, as well as flooding.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I rise today in strong support of H.R. 3043 from Representative MCMORRIS RODGERS, the Hydropower Policy Modernization Act of 2017.

For centuries, Western States have fought over scarce water supplies. We even have an expression in the West that says: Whiskey is for drinking and water is for fighting over.

Water scarcity in the West led our visionary forefathers to build Federal water storage projects throughout the West to provide water, hydropower, recreation, flood control, and environmental benefits while adhering to States' water rights.

These were nonpartisan endeavors, as evidenced by President John F. Kennedy dedicating the San Luis Dam in California. While the Central Arizona Project came after President Kennedy,

it continues to bring prosperity to Arizona's cities, Tribal communities, ranches, and farms almost 50 years after its inception.

The Glen Canyon Dam and other projects affiliated with the Colorado River Storage Project provided the backbone of a regional economy that has produced year-round and emissions-free hydropower.

H.R. 3043 streamlines the permitting process and encourages the expansion of hydropower generation by establishing a single lead coordinating agency, the Federal Energy Regulatory Commission, FERC, in order to facilitate in a timelier manner all hydropower authorizations, approvals, and requirements mandated by Federal law.

This bill will also dramatically decrease costs to relicense non-Federal dams, a huge win for the West.

Presently, FERC exercises jurisdiction over 1,600 non-Federal hydropower projects at more than 2,500 dams under the Federal Power Act.

According to FERC, the relicensing workload is increasing dramatically. Between FY 2017 and FY 2030, roughly 480 projects amounting to 45 percent of FERC-licensed projects will begin the relicensing process.

Rural co-ops, power companies, and other stakeholders in the West need a clear process without the bureaucracy. Let's get bureaucracy out of the way and pass H.R. 3043 so we have a clear process moving forward for pursuing worthwhile hydropower projects.

Mr. Chairman, I thank the gentleman from Washington for the sponsorship of this much-needed legislation, and I urge my colleagues to vote in support of this commonsense bill.

Mr. RUSH. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. RUIZ).

Mr. RUIZ. Mr. Chairman, I rise in strong opposition to H.R. 3043, the Hydropower Policy Modernization Act, which undercuts Federal-Tribal treaty and trust obligations. In fact, parts of this bill specifically eliminate protection for Tribes and ensure that dams and other hydropower projects do not harm Tribal fisheries, livelihoods, or violate treaty rights.

This is unacceptable. Not only does this undermine Tribal sovereignty, but it flies in the face of our moral and legal obligation to protect Tribal treaties, land, and resources under the Federal trust responsibility.

I am especially disappointed that the majority had the opportunity to fix this issue, yet walked away from the table. Even though I brought this up as an issue to fix in committee, the majority rushed this bill through committee for a House vote without adequately addressing Tribal concerns.

□ 1430

Furthermore, the majority refused to make in order my amendment, meaning they denied the fix to empower Tribes to set reasonable conditions on

hydropower projects to protect their reservation and resources. In fact, the letter sent by Democratic Ranking Member PALLONE requesting a hearing to allow Tribal input and Tribal participation on this particular issue was left unanswered.

So I say this to those Republicans who do support Tribal sovereignty and self-determination: You can still fix this issue and improve the Federal hydropower licensing process, simultaneously, while still protecting Tribal treaty rights, by supporting the Rush substitute amendment.

Join the Democratic Rush amendment that includes language to empower Tribal governments to determine when a project may harm their Tribe. Without this fix, this bill undermines Tribal governments and harms resources and lands, therefore, putting energy profits above Tribal treaty rights.

I urge my colleagues to take a stand. Do not ignore your responsibility to Tribes when it matters most. Support the Democratic substitute amendment sponsored by Representative RUSH that preserves the responsibility of the Federal Government to honor treaty obligations and protect Tribal resources.

Mr. UPTON. Mr. Chair, I yield 2 minutes to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. Mr. Chair, I rise in support of H.R. 3043, the Hydropower Modernization Act of 2017.

In my area of California's Central Valley, we have the Turlock and Modesto Irrigation Districts. They have been fighting for over 8 years to relicense the Don Pedro hydropower facility. This is on the Tuolumne River. This is where we get our drinking water for the families in our communities; this is where we get our water for irrigation for our farms; yet our ratepayers have been spending money, for over 8 years, just on the relicensing process.

They have had engineers and scientists who have done 35 studies. They have done the modeling for FERC to show all the different impacts that will be had here. In the process, they have spent \$30 million already. They planned to spend over \$50 million.

We are not going to have one drop of extra water storage. This is not going to improve the quality of the water that the people in my district are going to drink. No new water, no better quality—it is still going to see the same conditions for our fish, the same conditions for our streambeds.

After \$50 million and over 8 years, all we will have done is completed over 35 studies to continue to look, continue to go through red tape, and the people in my district will still have a water shortage. We can do things much better.

Close to me, we also have the Merced Irrigation District, as well. They have been working over a decade in relicensing the Exchequer Hydroelectric project. Over \$20 million has been

spent. Again, the same type of scenario: for farmers and families, no new improved water quality, no new water storage, just a decade and \$20 million for many, many studies that are not improving our process.

The Acting CHAIR. The time of the gentleman has expired.

Mr. UPTON. Mr. Chair, I yield the gentleman from California an additional 30 seconds.

Mr. DENHAM. Mr. Chair, this legislation is not going to solve all of our problems for California's Central Valley, but it will help us with the challenges we are facing with relicensing.

We can do things better, we can do them more efficiently, and we can actually bring water delivery to the people who need it most. It starts with FERC relicensing and changing the process to a much more transparent and efficient process. This bill deserves a "yes" vote, which will help us through that process.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chair, I thank the gentleman from Illinois for yielding.

Mr. Chair, I rise in support of H.R. 3043, the Hydropower Policy Modernization Act.

Mr. Chair, I believe, and I think others do as well who have had experiences within their constituencies, within their congressional districts, that the hydro relicensing process is plainly broken, plain and simple.

Let me give you a couple of real-life examples of why this legislation is needed, and why it is needed now. They both provide energy in my district for the people in the San Joaquin Valley, for households, for farmers, and for people in the valley, and they are the same two examples that Congressman DENHAM spoke of a moment ago.

The Turlock and Modesto Irrigation Districts have worked through the licensing process in good faith for more than 8 years, and they have spent over \$30 million to renew the license for Don Pedro Dam, a facility that has been in operation for almost 40 years. The districts estimate that, when they are finished with this process, they will have spent almost \$50 million.

Meanwhile, the Merced Irrigation District, my constituency, has spent over 10 years and \$20 million to relicense the Exchequer Hydroelectric project. This process is still not finished. This facility has been in operation for over 60 years.

Since these are public agencies, these costs are passed on to the ratepayers in mostly small, rural communities that Congressman DENHAM and I represent. It raises their electric costs. It makes no sense.

This is about maintaining clean, renewable energy. This is about reducing the regulatory burden and not passing these costs on to the ratepayers. Given the experience that I have just given you, my constituents believe that, frankly, this bill could go further in removing inefficiencies in the relicensing

process, but it is a good first step. It is a work in progress. It is certainly not perfect.

I support the legislation, and I urge my colleagues to do the same.

Mr. RUSH. Mr. Chair, may I inquire as to how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Illinois has 5 minutes remaining. The gentleman from Michigan has 7½ minutes remaining.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this commonsense hydropower streamlining process for modernizing the way we permit in order to bolster the process for over 400 existing hydropower projects in the United States. It is very important in my area as well.

Hydropower delivers clean, reliable, and renewable power 24 hours a day, unlike other renewable power sources which fluctuate with time of day, weather, sun or wind, or lack thereof.

California has a long history of hydropower generation. In 2014, California, alone, produced 14,000 megawatts of electricity from hydropower facilities—again, clean, renewable, and reliable. You turn on the switch, hydroelectric power.

My district in northern California is home to two of the largest facilities in the country: Oroville Dam and Shasta Dam. Each of these facilities delivers cost-efficient power, provides flood control, and generates significant local economic activity for the community via stored water and recreation.

With local input, which is very important, we need to address the streamlining of this process and expanding renewable hydropower production in this country to pave the way for new jobs and affordable power to consumers everywhere.

Relicensing permits ought not be a wish list for every special interest, but, indeed, on measures of the power that can be generated.

Mr. Chairman, I appreciate the time, and I wholeheartedly support and urge this House to support H.R. 3043.

Mr. RUSH. Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. GIANFORTE).

Mr. GIANFORTE. Mr. Chair, I rise to join my colleagues in supporting the Hydropower Policy Modernization Act.

Nearly one-third of the electricity generated in Montana comes from hydropower. The Libby, Hungry Horse, and Noxon Rapids projects each have the generating capacity of more than 400 megawatts. There are dozens more smaller hydropower facilities in Montana, from Thompson Falls to those around Great Falls, to Tiber and Fort Peck and Yellowtail.

This legislation will ensure that existing projects will have timely reli-

censing and enhance consultation between Federal, State, local agencies, and our Indian Tribes. It will also help provide certainty for new projects.

I know, in my home State, there are proposals to electrify existing flood control and irrigation dams, like the Gibson Dam, that face ongoing licensing issues. I have introduced legislation to address that particular one.

This bill is a step in the right direction for hydropower nationwide, and I am happy to support it.

Mr. RUSH. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, I include in the RECORD letters from Confederated Tribes and Bands of the Yakama Nation, Puyallup Tribe of Indians, Snoqualmie Tribe, Skokomish Indian Tribe, and a copy of the resolution passed in October 2017 by The National Congress of American Indians opposing the proposed amendments to the Federal Power Act.

CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION,

Toppenish, WA, November 7, 2017.

Re Hydro legislation still bad for Indian Tribes, States and Users of Public Waterways.

Hon. PAUL RYAN, Speaker,

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

DEAR SPEAKER RYAN, MINORITY LEADER PELOSI AND HONORABLE MEMBERS OF CONGRESS: Yesterday, when the Rules Committee discussed HR 3043, the Hydropower Policy Modernization Act of 2017, a number of members of the committee including Chairman Sessions, Congressman Cole, Congressman Newhouse, Congressman McGovern, Congresswoman Cheney as well as the Chairman Walden and Ranking Subcommittee Member Rush (who were testifying), all stressed the importance of ensuring that Indian tribes have their treaty rights and natural resources protected by any actions of the Congress relative to hydropower reform. We greatly appreciate the concerns of these members and the amount of time they spent discussing tribes and dam relicensing. I think many of them were aware of the degree to which the placement of dams has negatively affected a number of reservations, flooding some and damaging salmon runs at others. While there was universal agreement that the rights of tribes and states must be protected, there was not agreement on whether HR 3043 accomplishes that laudable intent. I must tell you that the bill does not do so.

First understand what the Federal Power Act (FPA) now says.

Under provisions that have been in effect for decades, state governments, pursuant to the Clean Water Act, are able to set water quality standards at hydro dams. Such conditions are mandatory. Allowing states to establish water quality standards, a key aspect of Federalism that many in Congress have always fought for, was a linchpin of the grand bargain reached when the Clean Water Act became law. While Federalism has not really benefitted Indian tribes, we are surprised that the Congress would weaken the ability of states to protect the public in this fashion. We hope you will read what many states have said in letters to the Committee, i.e., HR 3043 weakens their ability to ensure their standards are met during the licensing process. Letters of this nature have come from entities as varied as the Western Governors Association and the Southern States Energy Board.

Also under the longstanding language of Section 4(e) of the FPA, Cabinet Secretaries with authority over “federal reservations” are directed to ensure that a proposed hydro project doesn’t negatively affect a reservation or interfere with its congressionally designated use. These include all lands and marine reserves in the Federal estate from Indian reservations, to National Forests to Wildlife Refuges. Section 18 of the FPA deals with the establishment or modification of fishways to ensure fish can pass over these dams. The Secretaries of Commerce (for NMFS) and Interior (for USFWS) deal with fish passage and the Secretaries of Interior (for BIA, BLM, USFWS and NPS) and Agriculture (for USFS) deal with protecting federal reservations. They have the authority to propose mandatory conditions on hydro dams to ensure their operation protects these federal resources that belong to all Americans.

The legislation weakens the conditioning authority for protecting state water quality, for fishways and for federal reservations by transferring significant decision-making authority to FERC. Under the bill, FERC and the license applicant can challenge the necessity of a condition and have that challenge heard via a trial-type hearing only at FERC before an Administrative Law Judge (ALJ) at that agency. Under present law, decisions such as these are heard by ALJs in the agency making the recommendation, where the expertise resides. This provision in the bill is legislating forum shopping and directing that the decision be made before an entity whose expertise is in areas such as energy markets and safety at power plants. FERC and its ALJs have no expertise relative to Indian treaty rights or the Federal Land Policy and Management Act among many bedrock laws and FERC testified before the Committee that they do not want to be given this newfound authority. While having trial-type hearings at FERC and authorizing FERC to set all manner of schedules in the permitting process will certainly create countless billable hours for attorneys representing license applicants, it will do nothing to protect the interest of Indian tribes or the public at large, and as stated above, is directly contrary to state authority under the Clean Water Act and Secretarial authority now found in the Federal Power Act.

Yesterday we heard that this process will expedite licensing but if that is the goal then wouldn’t it make sense to determine when an application for a license is complete? Tribes repeatedly asked the hydropower industry to clarify that matter in the bill but they refused. Why? Existing hydropower dam licenses were issued decades ago before any environmental statutes were on the books and many of those dams are fish killers. Under the present law, when a license expires the operator can automatically get annual extensions allowing it to operate under 30-50 year old standards. These extensions can go on for year after year with the operator not having to spend any money to mitigate the damage to fish or other resources. This is more than ironic considering that the hydropower industry is telling Congress that they need the legislation to ensure certainty and time frames in the relicensing process. Additionally, the bill is drafted in such a fashion that FERC can set schedules that are so abbreviated that Tribes, Cabinet Secretaries or States who wish to comment and perhaps undertake a fishery study when necessary may not have the time to properly prepare suggested or mandatory operating conditions. It is noteworthy that FERC told the Committee that they don’t see the legislation actually streamlining the application process. Also, we checked today and could find no tribes in support of this bill.

We believe the Amendment in the Nature of a Substitute (AINS) incorporates much of what the majority proposed in HR 3043 while incorporating many changes that are reflective of the input that the Committee received from states and tribes who took the time to relay views and concerns to the Committee. A key part is the requirement for a negotiated rule-making to improve and expedite the hydro licensing process by bringing in states, local governments, stakeholders and tribes to FERC to develop a process that will enable FERC to make decisions on license applications within a maximum of three years. We urge you to vote for the AINS. Without such changes it is highly unlikely that the bill will make it through the Senate. Thank you for considering our views.

Sincerely,

JODE L. GOUDY,
Tribal Council Chairman.

PUYALLUP TRIBE OF INDIANS,
Tacoma, WA, August 9, 2017.

Re Hydropower Policy Modernization Act,
H.R. 3043.

Hon. GREG WALDEN,
Chairman, Energy and Commerce Committee,
Washington, DC.

Hon. FRANK PALLONE,
Ranking Member, Energy and Commerce Com-
mittee, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: I write to express the Puyallup Tribe's strong objections to the amendments to the Federal Power Act that are now being considered as part of the Hydropower Policy Modernization Act, H.R. 3043.

First, the bill would give FERC, an agency with no relevant experience or capacity, the responsibility for determining the scope of environmental review that Interior, Commerce, States and even Tribes should undertake.

Second, H.R. 3043 would upset the careful balance that now exists under federal law and let FERC set the timeline on case-by-case basis for agencies to impose mandatory 4(e) conditions and other requirements, including Section 18 (fishways) and Clean Water Act permits. The consideration of hydropower licenses is a complicated process that must consider the impact of a project on watersheds and numerous species of fish and wildlife before giving operators 50-year licenses to take power from these ecosystems. It takes time to do the necessary studies to determine what types of conditions can best protect these watersheds, including sensitive fisheries habitat, and the resources not only for Treaty-reserved Indian Reservations and resources, but also for the multiple users of these watersheds, including recreation, commercial fishing, and agriculture. If FERC's past actions are any guidance, FERC will impose unrealistic deadlines that the agencies will not meet. This bill will return the Nation back to a time when hydropower projects flooded Indian lands, extirpated entire species of salmon, and destroyed critical cultural resources.

Third, this bill would allow FERC for the first time to make a determination that a mandatory condition is inconsistent with the Federal Power Act. This would undermine the Supreme Court's decision in *Escondido Mut. Water Co. v. La Jolla Band of Mission Indians*, 466 U.S. 765 (1984), which held that the FPA provides no authority to FERC to impose restrictions on the 4(e) conditions submitted by the Secretary of Interior. The current process affords the hydropower industry ample opportunity to consider and respond to potential Sections 4(e), 18, and Clean Water Act conditions. Hydropower licensees can (and in fact do) actively partici-

pate in the process by which these conditions are deliberated and set. And while these conditions are not subject to modification by FERC, they are subject to judicial review, and FERC is free to express its disagreement with the conditions, so that FERC's views can also be considered by the courts.

Finally, the bill requires the Agency imposing these conditions to prepare a written statement that the Agency gave equal consideration to power generating interests in issuing its 4(e) conditions. Currently, if a hydroelectric project is located on federal lands, including Indian Reservations, the only consideration the Secretary has is to impose conditions that protect those reservations. There is no consideration of other interests. This has been the law for almost ninety years.

We urge you to continue to work with Tribes and other stakeholders to improve the hydropower licensing process for all interests and not simply for the industry.

Sincerely,

BILL STERUD,
Chairman,
Puyallup Tribal Council.

SNOQUALMIE TRIBE,
June 21, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce,
Washington, DC.

Hon. FRANK PALLONE, Jr.,
Ranking Member, Committee on Energy and
Commerce, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: On behalf of the Snoqualmie Indian Tribe, we write to express our continued concerns regarding proposed changes to the federal hydropower licensing approval process. The proposed changes would abrogate the federal government's overarching trust responsibility to Indian tribes and its ability to uphold tribal treaty rights. Our Tribe is particularly concerned that current legislative reform efforts to consolidate hydropower approval authority within the Federal Energy Regulatory Commission (FERC) unduly favor the interests of private industry at the expense of tribes, local and state governments, natural resources, and local citizens. As our trustee, we urge you to ensure that any hydropower legislation passed out of the Committee will only strengthen Tribes' ability to give input on hydropower licensing decisions at hydro-power facilities.

The Snoqualmie Tribe is adamantly opposed to legislative reforms efforts that seek to undermine current mechanisms that ensure adequate consideration of the effects of a proposed hydropower project on affected Indian lands and natural resources. In particular, the proposed changes to §§4(e) and 18 of the Federal Power Act and §401 of the Clean Water Act would enable FERC to disregard mandatory conditions imposed by federal and state land management agencies. Disregarding the established expertise and mission of such agencies to evaluate and mitigate impacts to Indian lands and natural resources directly undermines the federal government's ability to fulfill its trust and treaty obligations to Indian tribes. For example, §§34 and 37 of the draft legislation would allow FERC to effectively waive conditions necessary to implement the Northwest Power Act, Endangered Species Act, or the Clean Water Act if a state, tribe, or federal agency cannot meet a FERC deadline. Additionally, the proposed schedule of 120 days to complete all "federal authorizations" is unworkable in practice and will inevitably lead to such waivers.

It is imperative that any legislative reforms to the hydropower permitting process adequately consider and mitigate the im-

pacts to Indian lands, Tribal sacred sites, and natural resources. Historically, American Indian tribes have experienced disproportionate negative effects when dams, including hydroelectric projects, were approved without adequate tribal consultation or consideration of the effects on surrounding natural resources. For example, in the past, hydropower dams have flooded Indian reservations resulting in the permanent loss or damage to Tribal lands and sacred sites.

Given the Snoqualmie Tribe is a signatory to the Treaty of Point Elliot of 1855, the federal government has an enforceable fiduciary obligation to act as trustee on the Tribe's behalf. Of critical significance to our people is Snoqualmie Falls, a 268-foot waterfall that is the place of our creation history and our most sacred site. The Falls are an essential part of our cultural and religious practices where we pray, conduct sacred ceremonies, and traditionally buried our dead. Our Tribe is all too familiar with the negative impacts of inadequately planned hydroelectric dams on our culture, lands, and very way of life. For more than 100 years, Snoqualmie Falls has been hampered by the diversion of its water for a hydroelectric dam that significantly reduces the strong flow of water and the mists coming from the Falls. Without these, our religious practices are severely limited and we cannot fully engage in our cultural heritage.

The current draft hydropower reform legislation does not appropriately balance various stakeholders' interests and, instead, prioritizes private industry interests above the federal governments' responsibility as trustee to Tribes. Accordingly, we urge the Committee to ensure that legislation passed out of the Committee strengthens Tribes' ability to give input on hydropower decisions.

Thank you for your consideration on this very important religious and cultural issue to our Tribe. We look forward to working with the Committee to ensure any hydropower reform efforts are suitably tailored to uphold the federal government's trust responsibility to Indian peoples and protect tribal treaty rights.

Sincerely,

SNOQUALMIE TRIBAL COUNCIL.

SKOKOMISH INDIAN TRIBE,
Skokomish Nation, WA, June 21, 2017.

Re Proposed Amendments to the Federal Power Act.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

Hon. FRANK PALLONE, Jr.,
Ranking Member, Committee on Energy and
Commerce, House of Representatives, Wash-
ington, DC.

DEAR CHAIRMAN UPTON AND RANKING MEMBER PALLONE: I write to again express the Skokomish Tribe's strong objections to the amendments to the Federal Power Act that are now being considered by the House Energy and Commerce Committee.

If this bill is enacted as approved by the Committee, it would represent one of the most significant roll backs of the federal trust responsibility since termination. For more than ninety years the Federal Power Act directed Interior and other land management agencies to impose conditions on hydroelectric projects to protect federal lands including federal Indian Reservations and Treaty protected resources. However, in the first forty years, the federal land management agencies largely ignored this responsibility. As a consequence of this abdication to the Skokomish Tribe, our Reservation and our resources paid a very high price.

Our story is but one of many across Indian country. In the 1920s Tacoma City and Light received a license for the Cushman Dam on the North Fork of the Skokomish River. The entire flow of the North Fork of the Skokomish River was diverted from its channel and sent to a power house on Hood Canal (a bay of the Puget Sound). The dewatering of the North Fork completely destroyed a premier salmon run, with grievous economic and cultural consequences for the Tribe. See generally, *City of Tacoma v. FERC*, 460 F.3d 53, 62 (D.C. Cir. 2006); *Skokomish Indian Tribe v. United States*, 410 F.3d 506, 509–510 (9th Cir. 2005) (en banc revised). In terms of direct impact on the Skokomish Reservation itself, the dewatering of the North Fork resulted in an approximately 40% reduction in the flow of the Skokomish River mainstem. This change in the hydrology of the Skokomish River caused one-third of the Reservation to be flooded. *Skokomish v. United States*, 410 F.3d at 509–510, see also *id.* at 521 (dissenting opinion of Judge Graber). In short, this project almost completely destroyed the Reservation and the fishery for which the Reservation was established.

The original Cushman Dam license expired in 1974 and the Skokomish Tribe spent significant time, energy and resources to ensure that the United States would not once again abdicate its responsibility to the Tribe and sought conditions on the new license that would protect the Skokomish Reservation. At every turn Tacoma and the hydropower industry fought the Tribe. However, in 2006, the Skokomish Tribe won the right for the Department of the Interior to exercise its Federal Power Act 4(e) conditioning authority to protect the Reservation and the Tribe. *City of Tacoma, Washington v. F.E.R.C.*, 460 F.3d 53, 59 (D.C. Cir. 2006) (“Cushman”)

As a result of this decision, the Cushman project is now being operated in a manner meant to reverse the more than 80 years of damage to the Skokomish Reservation. These changes are slow but, over time, there will be improvements to the flow of the mainstem and flooding will lessen. Reservation lands that are waterlogged and useless will be restored and productive for the Tribe and our members again.

The bill now before the Committee would essentially reverse the decision that my Tribe fought so hard for, and will let FERC set the timeline for 4(e) mandatory conditions and other conditions, including Section 18 (fishways) and Clean Water Act Permits. The bill goes on to require the agency to impose these conditions to give equal weight to power generating interests. Again, this would significantly undermine the federal trust responsibility to my tribe and others. If a hydroelectric project is located on Tribal lands, then the only consideration the Secretary has is to impose conditions that protect that Reservation. There is no balance of other interests. This has been the law for almost ninety years. The Tribe is at a loss for why Congress would want to change this now.

Furthermore, the bill before the Committee seeks to have FERC, an agency with no experience or capacity, the responsibility for determining the scope of environmental review that Interior, Commerce, States and even Tribes should take.

A change to the Federal Power Act is not needed. First, sections 4(e), 18 and the other related provisions of the Federal Power Act, establish proper checks and balances in the licensing process. While FERC is examining a broad range of issues in connection with the license application or renewal, the Interior Secretary can bring to bear Interior's knowledge and expertise regarding the needs of Indian country, the potential impact of the project on the Indian reservation, and

address measures to ensure the proper protection of that reservation. Other sections of the Act likewise establish appropriate checks and balances by recognizing and giving effect to the responsibilities and expertise that such other agencies have on natural resource management—such as that provided by Interior's Fish & Wildlife Service and the Department of Commerce on fisheries and fish passage facilities as well as the vital and longstanding authority exercised by States and Tribes in setting water quality standards under the Clean Water Act. While hydropower is clean energy, it is clean only because of the important role that these other agencies, with the necessary expertise, have in addressing terms and conditions for hydropower licenses. FERC does not have the technical capacity to make these decisions.

The current process affords the hydropower industry ample opportunity to consider and respond to potential Section 4(e), 18 and Clean Water Act conditions. Hydropower licenses can (and in fact do) actively participate in the process by which these conditions are deliberated and set. And while these conditions are not subject to modification by FERC, they are subject to judicial review, and FERC is free to express its disagreement with the conditions, so that FERC's views can also be considered by the courts.

Finally, while the current process may take time to complete necessary studies and vetting of potential conditions, any delay in renewing licenses does not harm the hydropower licensees. As a general matter, until the license renewal process is completed, hydropower licensees are able to operate under their existing licenses which, in our experience, typically do not have many of the conditions needed to protect Indian reservations or natural resources.

We urge you to oppose amendments to the Federal Power Act that would undermine the federal trust responsibility to protect Indian Reservations or that would alter the Interior Secretary's authority under section 4(e), the provisions of section 18, or the Clean Water Act.

Sincerely,

CHARLES “GUY” MILLER.

NATIONAL CONGRESS OF AMERICAN INDIANS
THE NATIONAL CONGRESS OF AMERICAN
INDIANS RESOLUTION NO. MKE-17-005
TITLE: TO OPPOSE PROPOSED HYDROPOWER
AMENDMENTS TO THE FEDERAL POWER ACT

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian and Alaska Native lands; and

Whereas, the conservation and preservation of tribal land and resources is a priority for all tribes and a critical component of the federal trust responsibility; and

Whereas, fish are a sacred resource for many tribes; and

Whereas, the production of electricity through hydropower dams includes impacts to water quality, waterways, wildlife, recreation, livelihoods, customary and traditional activities, and treaty resources within and outside Indian and Alaska Native lands; and

Whereas, the impacts of hydropower projects located on federal lands often extend far beyond the confines of the specific lands on which the projects are sited; and

Whereas, some members of Congress and representatives from the hydropower industry have proposed amendments to the Federal Power Act that would (a) weaken the current protections Indian tribes have through the Mandatory Conditions requirements under Section 4(e) and Section 18 of that Act, (b) roll back efforts to restore fish populations through the requirement of fishways, and (c) unnecessarily limit the available time and scientific information available to federal agencies in deciding what Mandatory Conditions should be included with a license; and

Whereas, these proposed amendments to the Federal Power Act would not improve the federal hydropower licensing process, which is an important source of protections for tribal lands and resources, but rather weaken these critical protections. Now therefore be it

Resolved, that the National Congress of American Indians (NCAI), its leadership, and its executive staff shall call on the U.S. Congress and the Administration to oppose all proposed amendments to the hydropower provisions in the Federal Power Act that would remove or lessen the protections currently afforded tribal governments, tribal lands, inherent reserved rights, treaty rights and other tribal resources under the Federal Power Act; and be it further

Resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017–Oct 20, 2017, with a quorum present.

JEFFERSON KEEL,
President.

Attest: Juana Majel Dixon, Recording Secretary.

Mr. RUSH. Mr. Chair, the substitute amendment that we will consider shortly provides Indian Tribes with authority to speak for themselves with respect to the hydropower licensing process.

Currently, Mr. Chair, the agencies of the Departments of the Interior and Commerce proposed conditions to protect Tribal reservations. If the substitute is enacted, Tribes that have sufficient capacity can assume responsibility for protecting their own reservations.

□ 1445

The Tribal authority provision is absolutely very important and long overdue. As sovereign entities, Tribes have a status different from that of States and Federal agencies. They should be negotiating on their own behalf to protect their own interests.

Mr. Chair, hydropower projects, a number of which were designed and built over the objections of Tribes, resulted in devastating losses of Tribal lands and fisheries.

We can and must do better. Hydro-power projects can be designed, upgraded, and operated in ways that lower the environmental costs and preserve other important uses of the river.

Current law and current regulations already provide for consultation with Tribes. In fact, under the integrated license process, applicants are required to consult with Tribes 5 years before the current license expires if they plan to seek a renewed license.

The integrated license process was designed specifically for the more complex, controversial hydropower projects, either new projects or relicensing of existing projects.

Mr. Chair, many applicants, however, request and are allowed to pursue their license under the traditional license process that includes less opportunity for consultation. FERC should be denying some of these requests, but each and every one of them are granted by FERC.

When this happens, controversial projects run into predictable problems that bog down the license process. This is an administrative change that FERC could make that would require no new legislation and would improve the license process.

Mr. Chair, this bill does nothing—absolutely nothing—to speed up this problem or fix the process that we have been discussing.

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

Mr. UPTON. Mr. Chair, I yield myself such time as I may consume. I don't intend to use all the time that is remaining. I just want to make a couple of points to my colleagues as we close debate on the general debate on this bill.

This isn't a new bill. A lot of us in this body on both sides support an all-of-the-above strategy. It includes safe nuclear. It includes clean coal. It supports energy efficiencies, renewables, wind, solar, and hydro.

This bill, H.R. 3043, is not a new bill. In fact, the provisions, almost to a tee, in both the House and the Senate version last year in a bill that ultimately didn't get conferenced to President Obama, we didn't really have any disagreements on the hydro section. We came to an agreement and the House passed the bill as it relates to the hydro bill. And the Senate bill passed, as I recall it, 92-8, pretty overwhelming, pretty bipartisan. In essence, the same provisions that we have here.

I got to say that, throughout the process, we listened to the concern raised by some of the stakeholders, including States and Tribes. We made a number of significant changes to the version of the bill as compared to the version again last year that added more strength, more hurdles to go through.

The biggest change, frankly, that we made was taking the hammer away from FERC to compel agencies to stick to a deadline. Consequently, no permits are going to be granted by default because of a missed deadline. But we also inserted new State and Tribal consultation requirements with a very strong savings clause that clarifies that nothing shall affect the Clean Water Act and other environmental laws. That wasn't in the bill last year. That is new this year.

So I think that we have accommodated the concerns, particularly when many of the Members that are here in this Congress that were there last Congress actually voted for the provisions we had, certainly in committee as well as on the Senate floor.

Again, I just want to read into the RECORD page 17, line 23: "No Effect on Other Laws. Nothing in this section shall be construed to affect any requirement of the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act of 1973, section 14 of the Act of March 3, 1899 (commonly known as the Rivers and Harbors Appropriations Act of 1899), and those provisions of subtitle III of title 54, United States Code, commonly known as the National Historic Preservation Act, with respect to an application for a license under this part."

This bill is stronger than the one that most of us supported last year, particularly as it pertains to hydroelectric licensing by FERC.

So I commend the action of Mrs. MCMORRIS RODGERS, who, again, carried the water on this in this Congress. I would like to think that we will have a positive vote with Republicans and Democrats supporting the bill. We are prepared to now discuss and debate the amendments.

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

Mr. COLE. Mr. Chair, I rise today in opposition to H.R. 3043, the Hydropower Policy Modernization Act of 2017. However, I would like to point out the positive outcomes this bill would provide to the Hydropower industry. This bill would improve the administrative efficiency, accountability and transparency in the process of expanding hydropower generation. It would bring certainty and timeliness to the licensing process, that right now takes decades to move through. This bill would require other federal agencies to submit earlier any foreseeable issues that would prolong the licensing process, instead of waiting until the last hour as they are able to today.

With that said, H.R. 3043 falls short in its treatment of tribal communities. I believe the proponents of this bill have worked in the best interest of Indian Country, but have unfortunately fallen short. First, this bill would overturn the D.C. Circuit Court of Appeals decision in *Tacoma v. Federal Energy Regulatory Commission* (FERC) that held that the Department of the Interior has the mandatory authority to develop appropriate conditions to protect federal Indian reservations under the Federal Power Act. Also, that FERC has no authority to reject these conditions because the Interior

Department did not meet FERC's schedule. H.R. 3043, would overturn this decision by allowing FERC to put a clock on other Federal agencies and force them to accommodate their schedule. For example, if the Interior Department misses the deadline then Tribal interests cannot be considered again until the next re-licensing opportunity at least 40 years later.

H.R. 3043 does nothing to strengthen the tribal voice in the process and truncates our trustee agencies' responsibility. This bill would allow FERC to make the determination as to the scope of environmental review for 4(e) conditions, which the Interior Department is already required to give deference to. Hydropower projects affect entire watersheds, which in turn impact Indian reservations in ways that FERC and the hydropower industry have fought to deny. However, in *Tacoma v. FERC*, the Court was again clear that if a project is on Indian lands, Interior alone gets to determine what conditions, and by necessity the environmental review, that are necessary to protect the Indian Reservation.

H.R. 3043 would require Interior to balance energy generating interests against the Agency's trust responsibility to protect Indian Reservations. Currently, under the Federal Power Act, Interior's only interest is developing conditions to protect federal Indian Reservations, which, frankly, should only be their interests in line with the Bureau of Indian Affairs, and not the Department of Energy.

Finally, H.R. 3043 would overturn the Supreme Court's decision in *Escondido v. FERC*, 466 U.S. 765 (1984) and give FERC the authority to make a determination that a 4(e) condition and fishway condition is inconsistent with the Federal Power Act. This is unprecedented change in the Federal Power Act, which will undermine the federal trustee agency's ability to protect Indian lands and resources.

There is nothing in the bill that improves the FERC relicensing in regards to tribes and, frankly, would severely undermine tribal governments and Interior Department's ability to protect tribal and trust resources.

Mr. RUSH. Mr. Chair, I include in the RECORD letters from: Vermont Agency of Natural Resources, California State Water Resources Control Board, Western Governors' Association, State of Washington Department of Ecology, Environmental Council of the States, and Association of State Wetland Managers.

STATE OF VERMONT,
AGENCY OF NATURAL RESOURCES,
Montpelier, VT, September 12, 2017.

Re Comments in Opposition to Hydropower Policy Modernization Act of 2017, H.R. 3043.

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

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

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: The Vermont Agency of Natural Resources (VTANR) would like to express strong concerns over the proposed Hydropower Policy Modernization Act of 2017, H.R. 3043. While VTANR supports efforts to improve and streamline current hydroelectric licensing processes, the Agency strongly opposes legislative efforts to diminish States' ability to protect water quality. Several provisions of H.R. 3043 would essential curtail the State authority under Section 401 of the

federal Clean Water Act, effectively constraining State agencies' ability to use their independent authority to set license conditions, making it more difficult to protect natural resources.

VTANR strenuously opposes provisions of H.R. 3043 that eliminate or reduce States' delegated authority under Section 401 of the federal Clean Water Act to develop mandatory licensing conditions protective of natural resources. State agencies serve an essential role in the Federal Energy Regulatory Commission (FERC) licensing process for hydroelectric facilities. H.R. 3043 would designate FERC as the lead agency over federal authorizations related to applications of hydroelectric projects for a license, license amendment, or exemptions. As the lead agency, FERC would establish and control the timeline for licensing review and process for hydroelectric projects. H.R. 3043 appears to give FERC the authority to create a schedule reducing the time a State would have to get necessary scientific studies completed and reviewed to determine specific conditions needed to protect water quality, as required under Section 401 of the federal Clean Water Act. This would effectively permit FERC to license a facility before a thorough review of the environmental impacts could be completed. Vermont uses its Section 401 authority to issue water quality certifications with conditions to ensure projects are built and operated in a manner consistent with State environmental laws and protective of the environment and public health.

In addition, a provision of H.R. 3043 provides applicants with an opportunity to a trial-type hearing before a FERC Administrative Law Judge whenever there is a dispute of material fact. Under the provisions of H.R. 3043, the decision of the FERC Administrative Law Judge would be final and not subject to further administrative review. Currently, conditions included in a Section 401 water quality certification become mandatory license conditions and cannot be altered or modified by FERC. Further matters of material facts related to Section 401 water quality certifications for hydroelectric facilities are heard at the State level by courts or boards that are familiar with a State's water quality standards and other environmental laws. The allowance for the trial-type hearing before FERC could undermine the States' authority granted under Section 401, making it more challenging to protect water quality and natural resources.

Through decades of decisions, federal courts have affirmed the authority of States to impose conditions in federal licenses issued to hydroelectric projects under Section 401 of the Clean Water Act. These decisions recognize that States have the primary responsibility to ensure State water quality standards and other environmental laws are met. H.R. 3043 would undermine this authority by including a provision that would allow FERC to seek resolution between it and States at the federal level, elevating the dispute to the secretary overseeing the federal statute. In the case of the federal Clean Water Act, H.R. 3043 appears to allow FERC to negotiate with the Administrator of the Environmental Protection Agency or Secretary of Army, who are responsible for Clean Water Act on the federal level, to settle a dispute with between it and a state, effectively cutting States out of the process.

Vermont's interest in protecting natural resources is as important and relevant today as ever, particularly because a large number of hydroelectric facilities in Vermont are slated to begin the federal relicensing process over the next five years. FERC issues licenses to hydroelectric projects for a term of 30 to 50 years. As such, many of the projects

scheduled for relicensing will likely need significant changes in operations to meet modern water quality standards and to restore State water resources from impacts of project operations. As drafted, H.R. 3043 would reduce VTANR delegated authority under Section 401 of the federal Clean Water Act, creating ways for project operators to circumvent state regulations during the licensing process to allow them to operate in a manner that would continue to degrade the environment and resources of the State.

VTANR recognizes the importance of hydroelectric generation in meeting renewable energy goals. We urge you to consider how the federal process can be improved without undermining the very checks and balances that have helped hydroelectric generation be viewed as a sustainable and renewable energy source.

We appreciate your consideration of these comments on H.R. 3043 and look forward to solutions that improve our energy security and infrastructure while protecting the environment.

Sincerely,

JULIA S. MOORE, P.E.,
Secretary.

CALIFORNIA STATE
WATER RESOURCES CONTROL BOARD,
Sacramento, CA, May 17, 2017.

HON. GREG WALDEN,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*
HON. FRANK PALLONE,
*Ranking Member, Committee on Energy and
Commerce, House of Representatives, Wash-
ington, DC.*

DEAR CHAIRMAN WALDEN AND RANKING
MEMBER PALLONE:

COMMENTS IN OPPOSITION TO PROVISIONS OF
HOUSE OF REPRESENTATIVES DISCUSSION
DRAFTS: (1) HYDROPOWER POLICY MODERNIZA-
TION ACT OF 2017; (2) PROMOTING CLOSED-LOOP
PUMPED STORAGE HYDROPOWER ACT; AND (3)
PROMOTING HYDROPOWER DEVELOPMENT AT
EXISTING NON-POWERED DAMS ACT

The California State Water Resources Control Board (State Water Board) would like to express its concerns with the following House of Representatives Legislative Discussion Drafts: (1) Hydropower Policy Modernization Act of 2017; (2) Promoting Closed-Loop Pumped Storage Hydropower Act; and (3) Promoting Hydropower Development at Existing Non-Powered Dams Act (collectively Hydropower Discussion Drafts). While the State Water Board supports the goals of energy infrastructure modernization, it opposes several provisions as drafted because the Hydropower Discussion Drafts would reduce or eliminate essential protections for California's natural resources.

The Hydropower Discussion Drafts would seriously impact the mandatory conditioning authority of the State Water Board under Section 401 of the Clean Water Act, as well as similar authorities of federal agencies. State and federal agencies serve an essential role in the Federal Energy Regulatory Commission's (Commission) hydro-power licensing process. The Hydropower Discussion Drafts designate the Commission as the sole lead agency over federal authorizations related to an application for a license, license amendment, or exemption for a hydropower project. As the sole lead agency, the Commission would establish and control the timeline for the hydropower licensing process for all aspects of federal authorization, including Section 401 of the Clean Water Act. As such, the Commission could limit the State Water Board and federal agencies' time to complete their respective actions which could adversely impact the agencies' ability to comply with necessary

state and federal laws and may negatively impact public and environmental health.

As noted in this letter, the State Water Board is particularly concerned about provisions of the Hydropower Discussion Drafts that would undermine states' authorities under Section 401 of the Clean Water Act. As former Chief Justice Rehnquist observed, there has been a "consistent thread of purposeful and continued deference to state water law by Congress." (*California v. U.S.* (1978) 438 U.S. 645, 653.) This "cooperative federalism" is epitomized by Section 401 of the Clean Water Act, which authorizes states to set conditions to protect the waters of their states, and provides that review of conditions of certification is in state court, not by federal agencies. In so doing, Section 401 preserves both state authority and the integrity of state procedures and state institutions in overseeing how state agencies exercise that authority. Consistent with Congress' usual respect for state rights in this area, this structure must be preserved. The Hydropower Discussion Drafts inappropriately place limitations on state rights in this area by placing Section 401 of the Clean Water Act in the definition of Federal Authorization and under the Commission's jurisdiction.

The State Water Board recognizes the importance of hydropower as a clean energy source that helps provide grid reliability and supports the goal of promoting efficiencies in the Commission's licensing of hydropower projects. To promote such efficiencies, in 2013, the State Water Board entered into a memorandum of understanding with the Commission to coordinate pre-application procedures and schedules between the two agencies. Since implementation, the memorandum of understanding has improved coordination between the State Water Board and the Commission, and is beginning to streamline portions of the licensing process. The State Water Board acknowledges that it has a pending backlog of water quality certification applications, due in part to California's recent drought, and we are committed to acting upon these applications as expeditiously as possible. The State Water Board opposes provisions of the Hydropower Discussion Drafts because they may result in harm to California's water quality and associated beneficial uses, public lands, and fish and wildlife by removing key state and federal authorities designed to protect the environment and the public enjoyment of the environment. Specific comments and concerns are provided in Attachment A. Key provisions of the Hydropower Discussion Drafts are provided in Attachment B for ease of reference in reviewing the State Water Board's comments.

I appreciate your consideration of these comments and look forward to solutions that improve our energy security and infrastructure while protecting the environment.

Sincerely,

FELICIA MARCUS,
Chair.

WESTERN GOVERNORS' ASSOCIATION,
May 1, 2017.

HON. GREG WALDEN,
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*
HON. FRANK J. PALLONE,
*Ranking Member, Committee on Energy and
Commerce, House of Representatives, Wash-
ington, DC.*

DEAR CHAIRMAN WALDEN AND RANKING
MEMBER PALLONE: Western Governors recognize the importance of renewable energy sources, including hydropower, as critical components of an all-of-the-above national energy portfolio. The West accounts for nearly 70 percent of the nation's hydroelectric power generation, and the Pacific

Northwest is the nation's largest hydropower-producing region. Western Governors support improving the efficiency of existing hydropower systems and increasing the amount of electricity generated from new, retrofitted, or relicensed hydroelectric facilities.

States are vested with primary authority to manage water within their borders, and they have the authority to develop, use, control and distribute water resources within their boundaries. As expressed in section B(1)(a) of WGA Policy Resolution 2015-08, Water Resource Management in the West.

"While the Western Governors acknowledge the important role of federal laws such as the Clean Water Act, the Endangered Species Act and the Safe Drinking Water Act, nothing in any act of Congress or Executive Branch regulatory action should be construed as affecting or intending to affect states' primacy over the allocation and administration of their water resources."

Western Governors are concerned about provisions in Section 34, "Hydropower Licensing and Process Improvement" of the proposed Hydropower Policy Modernization Act of 2017. Portions of the language included in the published discussion draft of this proposal are identical to language of Subtitle B, "Hydropower Regulatory Modernization" of the proposed North American Energy Security and Infrastructure Act of 2015 (H.R. 8).

On July 18, 2016, Governor Steve Bullock and Governor Dennis Daugaard provided correspondence (attached) to the Committee, expressing the Western Governors' concerns over the language included in Subtitle B of H.R. 8, which would have designated the Federal Energy Regulatory Commission (FERC) as lead agency for all hydropower authorizations, approvals, and requirements mandated by federal law, including hydropower facility licenses and amendments, as well as all permits, special use authorizations, certifications, and opinions. The Governors requested that this language be removed or amended so that existing state hydropower licensing authorities are not replaced, or in any way impeded, by FERC jurisdiction.

Western Governors request that the language in Section 34 of the proposed Hydropower Policy Modernization Act of 2017 be removed or amended so that states' existing hydropower licensing authorities are in no way usurped by FERC jurisdiction. Thank you for your attention to this important matter.

Sincerely,

JAMES D. OGSBURY,
Executive Director.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,
Olympia, WA, November 3, 2017.

Re Hydropower Regulatory Modernization Act of 2017.

Hon. FRANK PALLONE, Jr.,
House of Representatives, Washington, DC.

Hon. GREG WALDEN,
House of Representatives, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: I am writing to express my concerns with the Hydropower Regulatory Modernization Act of 2017, H.R. 3043, which would amend the Federal Power Act to modify certain requirements. The Washington Department of Ecology (Ecology) supports the ostensible intent of this bill to gain efficiency in the licensing of hydropower projects. In addition, we support the goal of improving the certainty and timeliness of the hydropower licensing process. However, provisions in H.R. 3043 that modify the authorities of the Federal Energy Regulatory Commission (FERC) would impede or invalidate states' independent authority provided

by Section 401 of the Clean Water Act (CWA §401) to establish license conditions that protect water quality.

Our residents and tribes harvest salmon from the Puget Sound up through the Columbia River, and our farmers grow hops in the Yakima River basin. They also depend on water as a source of energy to power their homes and communities, and our industries rely on abundant and consistent energy to build aircraft in Everett, power data server farms in Quincy, manufacture car bodies for electric vehicles in Moses Lake, and process apples along the Wenatchee River basin. Balancing the need for clean energy with the need for safe water supplies begins with the proper management of water as a resource, and it is one of the major focal points of this legislation.

Decades of federal court decisions interpreting CWA §401 have established the states' authority to require conditions in FERC licenses that are necessary to protect water quality. These decisions recognize and affirm the basic principle of federalism embodied in the CWA that states have a primary role and responsibility to ensure state water quality standards are met.

Ecology implements the state's Water Pollution Control Act (RCW 90.48). As the state water pollution control agency, we are responsible for implementing federal water pollution control laws and regulations, including state water quality certifications required by CWA §401 for any federal permit or license that result in a discharge to state waters. Ecology has developed durable partnerships with the hydropower industry in Washington State—the largest of any state in the nation—and has a successful record of accomplishment in expediting water quality certifications that are incorporated as FERC license conditions.

In an effort to improve H.R. 3043, my team worked for several weeks with two members of the National Hydropower Association along with staff at the Chelan County Public Utility District in Washington State. Our objective in these discussions was to maintain the intent of this legislation while also protecting states' authority provided in the CWA §401. Although the group did not reach full consensus, significant progress was made to put forth alternative language that would remove ambiguity regarding FERC and state authority. My team identified a number of changes in language that are necessary to protect independent state authority to condition and certify FERC licenses. If provided more time, and engagement directly with your committee, I am confident that all parties can reach a mutually-satisfactory policy.

Ecology appreciates Congress' effort to streamline the FERC licensing process, however, the addition of SEC. 34(b)(2) OTHER AGENCIES AND INDIAN TRIBES, would require states' water quality certification process to follow a schedule under the requirements of the FERC, rather than the schedule in CWA §401. The timelines and independent state authorities granted by CWA §401 must remain intact, as both are essential for states to issue water quality certifications. States must also retain the ability to practice a "withdraw and reapply" process that has proven necessary for some complex hydropower licenses. If FERC is provided authority to oversee and set a timeline different than that provided under CWA §401, it undermines states' ability to ensure effectiveness and certainty for protection of water quality.

Meanwhile, SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS (b) designates FERC as the lead agency for federal authorizations related to a license application, license amendment, or exemp-

tion for a hydropower license. H.R. 3043 SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS (d) also requires states to adhere to deadlines established by FERC, effectively reducing the amount of time a state would have to complete scientific studies necessary to determine whether water quality standards and requirements would be met in accordance with CWA §401. This will likely create pressure on states to utilize existing information (SEC 3 (b)) rather than new studies to make these determinations.

In Washington State, work thus far to provide CWA §401 certifications for licensing of hydropower facilities have been timely, responsive, efficient, and protective of the state's water quality. While additional work remains, durable partnerships and a strong track record form a solid foundation to build upon.

In summary, Ecology opposes this bill in its current form because:

FERC will have undue influence on the ability of states and tribes to obtain environmental data and information via studies that are necessary to write CWA §401 certifications to protect waters in their jurisdiction.

It would lock state and federal natural resource agencies into a no-win situation. Agencies will be forced to make regulatory decisions based on incomplete applications that lack the necessary technical information, which would put agencies at risk of missing new FERC deadlines resulting in litigation.

We believe this bill provides enough ambiguity for individuals to attempt to preempt state CWA §401 authority. The bill as written could result in legal challenges and protracted litigation on how the extension of FERC's authority conflicts with states' rights to protect water quality and quantity.

Finally, Ecology views many elements of this modernization bill as unnecessary. In July 2005, FERC restructured its process and implementing the Integrated Licensing Process (ILP) that effectively streamlined FERC's licensing process. Over the course of 12 years, Washington State has provided water quality certifications for 16 FERC issued licenses as well as 10 license amendments. The ILP has proven to be a predictable, efficient, and timely licensing process that continues to ensure adequate resource protections. This bill would eliminate the flexibility available in the current system and return to a traditional approach that is less responsive to environmental concerns and more susceptible to litigation.

We urge that the provisions of H.R. 3043 that would have the effect of curtailing state authority under CWA §401 be significantly improved or stricken from the bill.

Sincerely,

MAIA D. BELLON,
Director.

Mr. WALDEN. Mr. Chair, I rise today in support of H.R. 3043, the Hydropower Policy Modernization Act, sponsored by fellow Energy and Commerce committee member and our Conference Chair, CATHY MCMORRIS RODGERS.

Hydropower plays an integral role in generating electricity across the nation, especially back in my home state of Oregon. Hydropower generates nearly 43 percent of electricity in Oregon and this dependable baseload power has helped drive the development of everything from value-added agriculture processing to data centers, creating jobs along the Columbia River and throughout Oregon.

Nationally, hydropower is the largest source of renewable electricity generation and a recent Department of Energy report found that

U.S. hydropower could grow by almost 50 percent by the year 2050. However, as my colleagues from the Pacific Northwest and across the country know, we are not taking full advantage of this valuable resource. Unfortunately, the duration, complexity, and uncertainty of the licensing process has raised significant challenges, preventing investments that would create jobs and benefit consumers.

Thankfully, my good friend from Washington introduced this legislation to alleviate these problems and streamline the federal hydropower licensing process. The bill before us today didn't just emerge from thin air. It is the culmination of five committee hearings and markups, along with several bipartisan staff meetings with the hydropower industry and tribes that have a stake in the licensing proceedings.

We solicited feedback from all stakeholders as we crafted this legislation and made a number of changes to address the concerns raised. We added new provisions to ensure that states and tribes are consulted early in the licensing process to identify and resolve issues of concern. We also made sure that state and local governments could recoup the costs of reviewing applications and conducting studies. We even added a strong savings clause that clarifies our intent that nothing in this bill shall be construed to affect any requirement of the Clean Water Act, Endangered Species Act, and other environmental laws.

In recognition of the regular order committee process, H.R. 3043 sailed out of committee unanimously by voice vote. The supporters of this bill, especially labor and industry organizations, recognize the vital role it will play in supporting job growth, local economic development, and providing much-needed reforms to the licensing process.

H.R. 3043 seeks to modernize the permitting process by improving administrative efficiency, accountability, and transparency; requiring timely decision making; and by designating Federal Energy Regulatory Commission as the lead agency is approving permits. You may be asking yourself, 'why is this process in need of reform?' The answer is simple. As my colleague from Washington likes to point out, it can take up to 10 years or longer to license a new hydropower project of relicense an existing facility. Further underscoring the need for this legislation is the fact that by 2030, over 400 existing projects with over 18,700 megawatts of capacity will begin the relicensing process.

Mr. Chair, this emissions-free energy resource should not be bogged down in bureaucratic red tape any longer. It's past time we modernize this grossly outdated licensing process, so we can get projects to market faster and streamline those projects in need of relicensing. At the end of the day, this important legislation promotes hydropower development, creates jobs, and provides consumers across the country with continued access to clean, affordable, and reliable baseload power generation.

I include in the RECORD the Supporters of H.R. 3043:

The American Council on Renewable Energy (ACORE); (American Public Power Association (APPA); Business Council for Sustainable Energy (BCSE); Edison Electric Institute (EEL); International Brotherhood of Boilermakers (Boilermakers); International

Brotherhood of Electrical Workers (IBEW); International Federation of Professional and Technical Engineers (IFPTE); Large Public Power Council (LPPC); Laborers' International Union of North America (LIUNA); National Electrical Contractors Association (NECA); National Hydropower Association (NHA); National Rural Electric Cooperative Association (NRECA); North America Building Trades Council (NABTU); United Brotherhood of Carpenters and Joiners of America (Carpenters).

Mr. RUSH. Mr. Chair, I include in the RECORD letters in opposition to H.R. 3043 from environmental, recreation, fisheries, and conservation groups from across the country along with the list of groups that have signed these letters.

ENVIRONMENTAL, FISHERIES, RECREATION, AND CONSERVATION ORGANIZATIONS IN OPPOSITION TO H.R. 3043

Alabama Rivers Alliance; Alaska Survival; All Outdoors; Alliance for the Great Lakes; Alpine Lakes Protection Society; Altamaha Riverkeeper; American Packrafting Association; American Rivers; American White-water; Anacostia Watershed Society; Anglers of the Au Sable; Animal Welfare Institute; Apalachicola Riverkeeper; Appalachian Mountain Club; Association of Northwest Steelheaders; Atlantic Salmon Federation; Black Warrior Riverkeeper; California Hydropower Reform Coalition; California Outdoors; California River Watch; California Sportfishing Protection Alliance; California Trout; Cascadia Wildlands; Catawba Riverkeeper; Center for Biological Diversity.

Center for Environmental Law and Policy; Central Sierra Environmental Resource Center; Clean Water Action; Coastal Conservation League; Colorado River Waterkeeper Network; Columbiana; Congaree Riverkeeper; Connecticut River Conservancy; Conservation Law Foundation; Conservation Northwest; Conservatives for Responsible Stewardship; Coosa Riverkeeper; Crab Apple Whitewater Defenders of Wildlife; Deschutes River Alliance; Downeast Salmon Federation; Earth Design; Earthjustice; Earthworks; Endangered Habitats League; Endangered Species Coalition; Environmental Protection Information Center (EPIC); Foothill Conservancy; Foothills Paddling Club; Foothills Water Network; Friends of Butte Creek.

Friends of Cooper Landing; Friends of Grays Harbor; Friends of Kenai National Wildlife Refuge; Friends of the Kinni; Friends of Merrymeeting Bay; Friends of the Crooked River; Friends of the Eel River; Friends of the River; Friends of the White Salmon River; Golden West Women Flyfishers; Grand Canyon Trust; Grand Riverkeeper Labrador; Great Lakes Council Fly Fishers; Green Latinos; Hells Canyon Preservation Council; High Country Conservation Advocates; Holy Spirit Missionary Sisters; Huron River Watershed Council; Hydropower Reform Coalition; Idaho Rivers United; Illinois Council of Trout Unlimited; Institute for Fisheries Resources; James River Association; Kalmiopsis Audubon Society; Kenai River Watershed Foundation.

Klamath Forest Alliance; Klamath Riverkeeper; Klamath-Siskiyou Wildlands Center; Kootenai Environmental Alliance; League of Conservation Voters; Lower Columbia Canoe Club; Lower Susquehanna Riverkeeper Association; Maine Rivers; Michigan Environmental Council; Michigan Hydro Relicensing Coalition; Middle Susquehanna Riverkeeper; Milwaukee Riverkeeper; Mono Lake Committee; Mousam and Kennebunk Rivers Alliance; National Heritage Institute; National Park Conservation Association; National Wildlife Federation;

Native Fish Society; Natural Heritage Institute; Natural Resources Defense Council; Natural Resources Council of Maine; Naturaland Trust; Nature Abounds; Naugatuck River Revival Group.

New England FLOW; New Hampshire Rivers Council; North Cascades Conservation Council; Northwest Environmental Advocates; Northwest Guides and Anglers Association; Northwest Resources Information Center; Olympic Forest Coalition; Oregon Kayak and Canoe Club; Outdoor Alliance; Pacific Coast Federation of Fishermen's Associations; Pacific Rivers; Penobscot Paddle and Chowder Society; Planning and Conservation League; Potomac Riverkeeper; Prairie Rivers Network; Prince William Soundkeeper; Quartz Creek Homeowners' Association; Religious Coalition for the Great Lakes; River Alliance of Wisconsin; River Guardian Foundation; River Network; Riverkeeper Network.

Rogue Riverkeeper; San Juan Citizens Alliance; Save Our Saluda; Save Our Wild Salmon; Save the Colorado; Selkirk Conservation Alliance; Smith River Alliance; Snake River Waterkeeper; South Carolina Native Plant Society; Southern Environmental Law Center; South Yuba River Citizens League; Spartanburg Area Conservancy; Spearfish Canyon Society; Spokane Riverkeeper; St. Mary's River Watershed Association; Tennessee Clean Water Network; The Lands Council; The Mountaineers.

The Roanoke River Basin Association; The Sierra Club; Tributary Whitewater Tours, LLC; Trout Unlimited; Tuolumne River Trust; Upstate Forever; Washington Environmental Law Center (see Western Environmental Law Center); Washington Wild; Waterkeeper Alliance; Waterkeepers Chesapeake; WaterWatch of Oregon; WESPAC Foundation; West Michigan Hacklers; Western Environmental Law Center; Wild Earth Guardians; Wild Washington Rivers; Yackin Riverkeeper; Zoar Valley Paddling Club.

NOVEMBER 7, 2017.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we are writing to urge you to oppose H.R. 3043, the Hydropower Policy Modernization Act. This bill is a devastating assault on our nation's rivers and the people and wildlife that depend upon them. Its passage would end 95 years of balance in hydropower licensing, tipping the scales against taxpayers and in favor of huge utilities.

Hydropower licenses are issued for up to 50 years. Many hydropower facilities that are coming up for relicensing now were first constructed before virtually all modern environmental laws were in place. It is during relicensing proceedings that the public gets the opportunity to ensure that dam owners make the necessary changes to comply with modern laws. The opportunity to mitigate for the damage to the environment, while still providing reliable electricity, only arises once in a generation or two.

The balance the Federal Power Act currently strikes between power and non-power values has existed for almost a century. Current law protects the public's right to enjoy its rivers, a right which can and should be compatible with responsible electricity production. However, H.R. 3043 upends that balance. Simply put, the bill is a massive giveaway to special interests at the expense of healthy rivers and the fish, wildlife, and people that depend upon them. If H.R. 3043 passes, power company profits will go to the head of the line, ahead of every other user.

We appreciate that the House Committee on Energy and Commerce heard testimony from recreational and conservation interests who raised serious concerns about its many provisions. Unfortunately, the Committee

chosed to make no changes to reflect the constructive suggestions that the Hydropower Reform Coalition put forward that would improve the licensing process while maintaining environmental protections. The Committee also failed to solicit testimony from states, tribes, and federal natural resource agencies whose authorities will be usurped by the Federal Energy Regulatory Commission (FERC) if H.R. 3043 is enacted. You are now being asked to vote on a bill that no state, tribe, or conservation organization publicly supports. The bill under consideration today will only benefit power companies at the expense of every other user of a waterway.

H.R. 3043 attempts to streamline the hydropower licensing process by centralizing power and allowing FERC to set an aggressive licensing schedule that all federal and state agencies must adhere to throughout the licensing process. There are no requirements that FERC or the licensee provide the agencies with the information they deem necessary to quickly and competently exercise their Clean Water Act or Endangered Species Act authority. This creates a dynamic where, unless every step of the process proceeds seamlessly, agencies are faced with the impossible decision to either exercise their authority without necessary information (which exposes them to legal liability) or to fail to meet the schedule. This change will constrain federal, state, and tribal agencies use of their independent authorities and rush decision making, potentially making it more difficult to protect water quality, recover threatened and endangered species, and manage tribal-trust resources and public lands.

Other provisions of H.R. 3043, such as the changes to the Trial Type Hearing process for alternative conditions, the requirement that federal natural resource agencies conduct costly, wasteful and time consuming review of matters outside of their scope of expertise and jurisdiction, and the requirement that scientific decisions be made only by political appointees in Washington, DC are all examples of how H.R. 3043 tilts the balance toward the interests of power companies.

In order to protect clean water, irrigation, meeting tribal treaty and trust obligations, wildlife, recreational fishing, commercial fishing, whitewater boating, water quality, municipal water supply, fire safety, flood control, or any other purpose other than generating power, we urge you to vote NO on H.R. 3043.

Sincerely,

Alabama Rivers Alliance; American Packrafting Association; American Rivers; American Whitewater; Apalachicola Riverkeeper; Appalachian Mountain Club; Atlantic Salmon Federation; California Outdoors; California Sportfishing Protection Alliance; Cascadia Wildlands; Center for Biological Diversity; Center for Environmental Law and Policy; Columbia Bioregional Education Project; Connecticut River Conservancy; Conservatives for Responsible Stewardship; Defenders of Wildlife; Deschutes River Alliance; Downeast Salmon Federation; Earthjustice.

Earthworks; Endangered Habitats League; Endangered Species Coalition; Environmental Protection Information Center (EPIC); Foothill Conservancy; Friends of Butte Creek; Friends of the Kinni; Friends of the River; Golden West Women Flyfishers; Grand Riverkeeper Labrador; Green Latinos; High Country Conservation Advocates; Idaho Rivers United; Illinois Council of Trout Unlimited; Klamath Forest Alliance; Kootenai Environmental Alliance; League of Conservation Voters; Lower Columbia Canoe Club; Maine Rivers; Michigan Environmental Council.

Michigan Hydro Relicensing Coalition; Mono Lake Committee; Mousam and Kennebunk Rivers Alliance; National Heritage Institute; National Park Conservation Association; National Wildlife Federation; Native Fish Society; Natural Heritage Institute; Natural Resources Defense Council; Naturaland Trust; North Cascades Conservation Council; Northwest Environmental Advocates; Northwest Resource Information Center; Oregon Kayak and Canoe Club; Oregon Natural Desert Association; Pacific Coast Federation of Fishermen's Associations; Pacific Rivers; Penobscot Paddle and Chowder Society; Planning and Conservation League.

Prarie Rivers Network; River Network; Riverkeeper Network; Rogue Riverkeeper; Save Our Wild Salmon; Save the Colorado; Selkirk Conservation Alliance; Southern Environmental Law Center; St. Mary's River Watershed Association; The Lands Council; The Mountaineers; The Sierra Club; Tributary Whitewater Tours, LLC; Tuolumne River Trust; Upstate Forever; Washington Environmental Law Center (see Western Environmental Law Center); Washington Wild; WaterWatch of Oregon; Wild Earth Guardians; Wild Earth Guardians; Wild Washington Rivers.

NATIONAL WILDLIFE FEDERATION,
NATIONAL ADVOCACY CENTER,
Washington, DC, November 7, 2017.

DEAR REPRESENTATIVE: The National Wildlife Federation, with over 6 million members and supporters and its affiliate organizations from 51 states and territories across the country, represents a broad diversity of political views, mirroring the nation. Regardless of party affiliation, these members want their families to be safe, their water to be clean, and ecosystems to be healthy in order to support our nation's wildlife. It is important, then, that any large-scale energy project, including hydroelectric, uphold those values as well. While NWF believes that the United States should pursue a renewable energy future, the country should do so while seeking to minimize harm to local ecosystems and wildlife and gather input from those near hydroelectric facility sites. This is especially important as hydropower is not without environmental impacts, including greenhouse gases released from reservoirs associated with dams. In order to weigh all impacts as well as the benefits, proper review processes should be followed and corners cannot be cut. Because of these long-held standards, NWF opposes H.R. 3043, the Hydropower Policy Modernization Act of 2017.

The National Wildlife Federation has long supported robust environmental review processes. Federal and state governments should approach projects with a genuine interest in determining negative effects on the environment, wildlife, and local communities. H.R. 3043 includes provisions that place arbitrary deadlines on project reviews, even when it is clear that a proper study will take longer. Unfortunately, this bill would remove our experts in natural resources from the review process and usurp states' rights to enforce their own standards for hydropower projects. Additionally, considerations of energy supply would be required alongside protections for endangered species, fisheries, and cultural sites, contradicting existing laws. If passed into law, H.R. 3043 would likely create confusion and litigation. We have seen in the past how large-scale hydroelectric projects have not always considered potential negative effects. We should learn from our past mistakes, not repeat them.

While there was a hearing on this bill, only the Federal Energy Regulatory Commission testified, leaving out important voices.

Among those voices left out were tribal leaders, states, and local officials who will be required to abide by these new rules. Not only does this legislation limit input from those near proposed hydroelectric projects, but it also does so for those who live near existing dams seeking a permit renewal. This legislation would constrict the review processes for dams approaching their 50-year review mark. It is important to make sure that these projects, which were built before our current rules were put in place, remain up to the standards we set for human safety and minimal impact to the environment, economically important fisheries, and recreation sites.

In short, while this bill and its proponents claim to help our nation move toward a more sustainable and climate-friendly future, we need a system in place that can consider our energy needs in addition to the economic, environmental and cultural needs of our communities. Since climate change is the most significant challenge of our time, we urge the committee and supporters of this legislation to have a transparent and robust discussion, not only of our energy needs but also of potential impacts from hydropower such as wildlife and greenhouse gases. For all of these reasons, National Wildlife Federation recommends you oppose H.R. 3043.

Sincerely,

JIM LYON,
Vice President for Conservation Policy,
National Wildlife Federation.

OUTDOOR ALLIANCE,
November 6, 2017.

Re H.R. 3043, Hydropower Policy Modernization Act.

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

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

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: We are writing to ask you to oppose H.R. 3043, the Hydropower Policy Modernization Act. If enacted, this bill would have significant negative impacts on outdoor recreation and its associated local economic benefits and would remove opportunities for meaningful local public involvement in hydropower licensing.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, and Colorado Mountain Club and represents the interests of the millions of Americans who climb, paddle, mountain bike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes.

Our members directly participate in licensing processes for hydropower projects in partnership with state and federal resource agencies. The authorities granted to federal agencies under the Federal Power Act, Clean Water Act, and Endangered Species Act have helped ensure that hydropower operations balance our society's need for power with the benefits of flowing rivers. These benefits include important economic contributions generated through the outdoor recreation economy, and outdoor recreation may be one benefit of hydropower under certain circumstances.

Outdoor recreation powers a vast economic engine valued at \$887 billion annually with much of this activity focused around water-based recreation, including rivers affected by

hydropower operations. The National Hydropower Association's own website, which promotes the benefits of hydropower, states that "Swimming, boating, fishing, camping, skiing and hiking are just some of the recreational activities that take place year-round and across the country at sites developed and supported by the hydropower industry."

We are concerned that H.R. 3043 will severely limit the ability of local communities to advocate for recreational benefits in hydropower licensing. If passed, H.R. 3043 will shift responsibilities away from states, federal land managers with locally-based recreation staff, and affected communities, and instead place exclusive authority within the hands of the Federal Energy Regulatory Commission (FERC). FERC is a regulatory agency with no local field staff, frequently with only the ability to participate in one or two site visits in all. As a result, FERC staff are unlikely to have experience and familiarity with local resources and values. The end result of H.R. 3043 would be outcomes that are detrimental to outdoor recreation and local communities.

While hydropower provides certain benefits, it also always comes with significant impacts. This legislation would upset an important balance and the cooperative approach to hydropower licensing that effectively ensures that the interests of local communities and their interests in outdoor recreation are represented. Outdoor Alliance finds the hydropower provisions of H.R. 3043 to be deeply problematic, and we oppose any effort to diminish the ability of citizens and public resource agencies to ensure that hydropower licenses include provisions to protect the public river resources that are important to them.

Best regards,

LOUIS GELTMAN,
Policy Director,
Outdoor Alliance.

—
TROUT UNLIMITED,
November 6, 2017.

Re Trout Unlimited opposes the "Hydropower Policy Modernization Act of 2017" (H.R. 3043) and we urge members of the House of Representatives to vote against this legislation.

DEAR REPRESENTATIVE: H.R. 3043 is due for House floor consideration this week. We urge you to reject the bill and instead to develop a bill worthy of broad stakeholder support.

Hydropower is an essential component of our nation's energy mix. Hydropower produces energy with low hydrocarbon emissions, but can and does cause massive impacts to watershed health and fisheries habitats. Striking a balance between power and nonpower values, such as fisheries habitat, is essential.

To that end, the Federal Power Act assigns oversight and conditioning roles for the natural resource agencies to ensure adequate protections or conditions related to project effects on underlying lands, waters and related resources. These authorities, in particular sections 18 and 4e of the Federal Power Act, and section 401 of the Clean Water Act, contain some of the most useful fisheries conservation provisions in state or federal statute and are critical to minimize and mitigate impacts to trout and salmon habitats, covering issues like fish passage, instream flow below the project and water quality and quantity issues.

H.R. 3043 would significantly disrupt efforts to balance power and nonpower values in the licensing process and for all the wrong reasons. If the goal of the bill is to make the licensing process more efficient and expeditious, Congress should support the funding and information needs of the resource agen-

cies, not penalize or further constrain their participation. H.R. 3043 instead would hamstring tribes, states, and federal resource agencies from review and conditioning of FERC licensed hydropower projects by imposing overly restrictive timelines, adding new process hurdles for debating agency requirements on applicants, and greatly restricting the scope and basis on which resource agencies can require conditions or investments to protect non-power resources impacted by the project.

The harmful bill could not come at a worse time. Dozens of projects coming up for relicensing soon. Many of them haven't been reviewed since being originally licensed 30-50 years ago. It is more imperative now than ever to ensure strong review of these projects.

Instead of H.R. 3043 Congress should support smart process improvements that will benefit applicants and operators while supporting strong protections to balance nonpower values. Smart improvements would include support for incremental upgrades, promote ongoing investment and ongoing study during the life of licenses so that we aren't starting from scratch every 30 to 50 years. A smart approach would ensure that the regulatory requirements for states, tribes and federal resource agencies to permit and condition these projects is fully supported early in the process to reduce conflict and delay. H.R. 3043 misses these opportunities, focusing instead placing arbitrary constraints on environmental review and conditioning agency authorities that will result in increased conflict during licensing.

As we have said a number of times before, Congress should take adequate time to hear the views of the tribes, as well as the state and federal resource agencies about existing process hurdles and potential solutions before legislating changes to hydropower project licensing procedures and standards. Some in the industry blame delays and cost overruns on agency inaction and bad decisions, yet the committee has so far not called them to testify. If the committee wants to have a thoughtful legislative process, it needs to hear from the agencies who some claim to be the root of the problem. Although the Energy and Commerce committee and its subcommittee on Energy and Power held hearings on this bill and related hydropower legislation, those hearings did not include these constituencies. Again, we urge the committee and the House to take the time to do the deliberative process in the right way, and build broad support for bipartisan legislation.

The most balanced and efficient way to bring new hydropower online, is to ensure that the development is well-sited and appropriately mitigated from the start and to support and encourage early and often investment in evaluating and improving operations over time.

This bill fails the test of carefully balancing power and non-power values, such as trout and salmon fisheries and river restoration. Specifically, we urge the House to support and defend—and not weaken as this bill does—resource agency authorities and mandates—including the Clean Water Act, Endangered Species Act and Federal Power Act.

We urge you to vote against H.R. 3043.

Sincerely,

STEVE MOYER,
Vice President of Government Affairs.

—
NOVEMBER 7, 2017.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters nationwide, we are writing to urge you to oppose H.R. 3043, the Hydropower Policy Modernization Act. This bill is a devastating assault on our nation's rivers and the people and wild-

life that depend upon them. Its passage would end 95 years of balance in hydropower licensing, tipping the scales against taxpayers and in favor of huge utilities.

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Other provisions of H.R. 3043, such as the changes to the Trial Type Hearing process for alternative conditions, the requirement that federal natural resource agencies conduct costly, wasteful and time consuming review of matters outside of their scope of expertise and jurisdiction, and the requirement that scientific decisions be made only by political appointees in Washington, DC are all examples of how H.R. 3043 tilts the balance toward the interests of power companies.

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fishing, whitewater boating, water quality, municipal water supply, fire safety, flood control, or any other purpose other than generating power, we urge you to vote NO on H.R. 3043.

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Golden West Women Flyfishers; Grand Riverkeeper Labrador; Green Latinos; High Country Conservation Advocates; Idaho Rivers United; Illinois Council of Trout Unlimited; Klamath Forest Alliance; Kootenai Environmental Alliance; League of Conservation Voters; Lower Columbia Canoe Club; Maine Rivers; Michigan Environmental Council; Michigan Hydro Relicensing Coalition; Mono Lake Committee; Mousam and Kennebec Rivers Alliance; National Heritage Institute; National Park Conservation Association; National Wildlife Federation; Natural Resources Defense Council; Naturaland Trust.

North Cascades Conservation Council; Northwest Environmental Advocates; Oregon Kayak and Canoe Club; Pacific Coast Federation of Fishermen's Associations; Penobscot Paddle and Chowder Society; Planning and Conservation League; Prairie Rivers Network; River Alliance of Wisconsin; River Network; Riverkeeper Network; Rogue Riverkeeper; Save Our Wild Salmon; Save the Colorado; Selkirk Conservation Alliance; Southern Environmental Law Center; St. Mary's River Watershed Association; The Lands Council; The Sierra Club; Tributary Whitewater Tours, LLC; Tuolumne River Trust; Upstate Forever; Washington Environmental Law Center (see Western Environmental Law Center); Washington Wild; WaterWatch of Oregon; Wild Washington Rivers.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill. The committee amendment in the nature of a substitute shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3043

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 "Hydropower Policy Modernization Act of 2017".

SEC. 2. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking "the following amounts" and all that follows through paragraph (3) and inserting "not less than 15 percent in fiscal year 2017 and each fiscal year thereafter shall be renewable energy."; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) RENEWABLE ENERGY.—The term 'renewable energy' means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, or municipal solid waste, or from a hydropower project."

(c) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking "three" and inserting "4"; and

(2) by amending subsection (b) to read as follows:

"(b) The Commission may—

"(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years permitted by subsection (a) if the Commission finds that the permittee has carried out activities under such permit in good faith and with reasonable diligence; and

"(2) if the period of a preliminary permit is extended under paragraph (1), extend the period of such preliminary permit once for not more than 4 additional years beyond the extension period granted under paragraph (1), if the Commission determines that there are extraordinary circumstances that warrant such additional extension."

(d) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking "once but not longer than two additional years" and inserting "for not more than 8 additional years."

(e) LICENSE TERM.—Section 15(e) of the Federal Power Act (16 U.S.C. 808(e)) is amended—

(1) by striking "(e) Except" and inserting the following:

"(e) LICENSE TERM ON RELICENSING.—

"(1) IN GENERAL.—Except"; and

(2) by adding at the end the following:

"(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall consider, among other things, project-related investments to be made by the licensee under a new license issued under this section, as well as project-related investments made by a licensee over the term of the existing license (including any terms under annual licenses). In considering such investments, the Commission shall give the same weight to—

"(A) investments to be made by the licensee to implement a new license issued under this section, including—

"(i) investments in redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation, and safety improvements; and

"(ii) investments in environmental, recreation, and other protection, mitigation, or enhancement measures that will be required or authorized by the license; and

"(B) investments made by the licensee over the term of the existing license (including any terms under annual licenses), beyond those required by the existing license when issued, that—

"(i) resulted in, during the term of the existing license—

"(1) redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation, or safety improvements; or

"(II) environmental, recreation, or other protection, mitigation, or enhancement measures; and

"(ii) did not result in the extension of the term of the existing license by the Commission."

(f) ALTERNATIVE CONDITIONS AND PRESCRIPTIONS.—Section 33 of the Federal Power Act (16 U.S.C. 823d) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "deems" and inserting "determines";

(B) in paragraph (2)(B), in the matter preceding clause (i), by inserting "determined to be necessary" before "by the Secretary";

(C) by striking paragraph (4); and

(D) by striking paragraph (5);

(2) in subsection (b)—

(A) by striking paragraph (4); and

(B) by striking paragraph (5); and

(3) by adding at the end the following:

"(c) FURTHER CONDITIONS.—This section applies to any further conditions or prescriptions proposed or imposed pursuant to section 4(e), 6, or 18."

SEC. 3. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

(a) HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.—Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

"(a) DEFINITION.—In this section, the term 'Federal authorization'—

"(1) means any authorization required under Federal law with respect to an application for a license under this part; and

"(2) includes any permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license under this part.

"(b) DESIGNATION AS LEAD AGENCY.—

"(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) OTHER AGENCIES AND INDIAN TRIBES.—

"(A) IN GENERAL.—Each Federal, State, and local government agency and Indian tribe considering an aspect of an application for Federal authorization shall coordinate with the Commission and comply with the deadline established in the schedule developed for the license under this part in accordance with the rule issued by the Commission under subsection (c).

"(B) IDENTIFICATION.—The Commission shall identify, as early as practicable after it is notified by the applicant for a license under this part, any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for a Federal authorization.

"(C) NOTIFICATION.—

"(i) IN GENERAL.—The Commission shall notify any agency and Indian tribe identified under subparagraph (B) of the opportunity to participate in the process of reviewing an aspect of an application for a Federal authorization.

"(ii) DEADLINE.—Each agency and Indian tribe receiving a notice under clause (i) shall submit a response acknowledging receipt of the notice to the Commission within 30 days of receipt of such notice and request.

"(D) ISSUE IDENTIFICATION AND RESOLUTION.—

"(i) IDENTIFICATION OF ISSUES.—Federal, State, and local government agencies and Indian tribes that may consider an aspect of an application for Federal authorization shall identify, as early as possible, and share with the Commission and the applicant, any issues of concern identified during the pendency of the Commission's action under this part relating to any Federal authorization that may delay or prevent the granting of such authorization, including any issues that may prevent the agency

or Indian tribe from meeting the schedule established for the license under this part in accordance with the rule issued by the Commission under subsection (c).

“(ii) **ISSUE RESOLUTION.**—The Commission may forward any issue of concern identified under clause (i) to the heads of the relevant State and Federal agencies (including, in the case of an issue of concern identified by a State or local government agency or Indian tribe, the Federal agency overseeing the delegated authority, or the Secretary of the Interior with regard to an issue of concern identified by an Indian tribe, as applicable) for resolution. If the Commission forwards an issue of concern to the head of a relevant agency, the Commission and the relevant agency shall enter into a memorandum of understanding to facilitate inter-agency coordination and resolution of such issues of concern, as appropriate.

“(c) **SCHEDULE.**—

“(1) **COMMISSION RULEMAKING TO ESTABLISH PROCESS TO SET SCHEDULE.**—Not later than 180 days after the date of enactment of this section the Commission shall, in consultation with the appropriate Federal agencies, issue a rule, after providing for notice and public comment, establishing a process for setting a schedule following the filing of an application under this part for a license for the review and disposition of each Federal authorization.

“(2) **ELEMENTS OF SCHEDULING RULE.**—In issuing a rule under this subsection, the Commission shall ensure that the schedule for each Federal authorization—

“(A) includes deadlines for actions by—

“(i) any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the Federal authorization;

“(ii) the applicant;

“(iii) the Commission; and

“(iv) other participants in any applicable proceeding;

“(B) is developed in consultation with the applicant and any agency and Indian tribe that submits a response under subsection (b)(2)(C)(ii);

“(C) provides an opportunity for any Federal or State agency, local government, or Indian tribe that may consider an aspect of an application for the applicable Federal authorization to identify and resolve issues of concern, as provided in subsection (b)(2)(D);

“(D) complies with applicable schedules established under Federal and State law;

“(E) ensures expeditious completion of all proceedings required under Federal and State law, to the extent practicable; and

“(F) facilitates completion of Federal and State agency studies, reviews, and any other procedures required prior to, or concurrent with, the preparation of the Commission’s environmental document required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(d) **TRANSMISSION OF FINAL SCHEDULE.**—

“(1) **IN GENERAL.**—For each application for a license under this part, the Commission shall establish a schedule in accordance with the rule issued by the Commission under subsection (c). The Commission shall publicly notice and transmit the final schedule to the applicant and each agency and Indian tribe identified under subsection (b)(2)(B).

“(2) **RESPONSE.**—Each agency and Indian tribe receiving a schedule under this subsection shall acknowledge receipt of such schedule in writing to the Commission within 30 days.

“(e) **ADHERENCE TO SCHEDULE.**—All applicants, other licensing participants, and agencies and Indian tribes considering an aspect of an application for a Federal authorization shall meet the deadlines set forth in the schedule established pursuant to subsection (d)(1).

“(f) **APPLICATION PROCESSING.**—The Commission, Federal, State, and local government agencies, and Indian tribes may allow an applicant

seeking a Federal authorization to fund a third-party contractor selected by such an agency or tribe to assist in reviewing the application. All costs of an agency or tribe incurred pursuant to direct funding by the applicant, including all costs associated with the third party contractor, shall not be considered costs of the United States for the administration of this part under section 10(e).

“(g) **COMMISSION RECOMMENDATION ON SCOPE OF ENVIRONMENTAL REVIEW.**—For the purposes of coordinating Federal authorizations for each license under this part, the Commission shall consult with and make a recommendation to agencies and Indian tribes receiving a schedule under subsection (d) on the scope of the environmental review for all Federal authorizations for such license. Each Federal and State agency and Indian tribe shall give due consideration and may give deference to the Commission’s recommendations, to the extent appropriate under Federal law.

“(h) **EXTENSION OF DEADLINE.**—

“(1) **APPLICATION.**—A Federal, State, or local government agency or Indian tribe that is unable to complete its disposition of a Federal authorization by the deadline set forth in the schedule established under subsection (d)(1) shall, not later than 30 days prior to such deadline, file for an extension with the Commission.

“(2) **EXTENSION.**—The Commission shall only grant an extension filed for under paragraph (1) if the agency or Indian tribe demonstrates, based on the record maintained under subsection (i), that complying with the schedule established under subsection (d)(1) would prevent the agency or tribe from complying with applicable Federal or State law. If the Commission grants the extension, the Commission shall set a reasonable schedule and deadline, that is not later than 90 days after the deadline set forth in the schedule established under subsection (d)(1), for the agency or tribe to complete its disposition of the Federal authorization.

“(i) **CONSOLIDATED RECORD.**—The Commission shall, with the cooperation of Federal, State, and local government agencies and Indian tribes, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State or local government agency or officer or Indian tribe acting under delegated Federal authority) with respect to any Federal authorization. Such record shall constitute the record for judicial review under section 313(b).

“(j) **SUBMISSION OF LICENSE RECOMMENDATIONS, CONDITIONS, AND PRESCRIPTIONS.**—

“(1) **SUBMISSION OF RECOMMENDATIONS.**—Any Federal or State agency that is providing recommendations with respect to a license proceeding under this part shall submit to the Commission for inclusion in the consolidated record relating to the license proceeding maintained under subsection (i)—

“(A) the recommendations;

“(B) the rationale for the recommendations; and

“(C) any supporting materials relating to the recommendations.

“(2) **WRITTEN STATEMENT.**—In a case in which a Federal agency is making a determination with respect to a covered measure (as defined in section 35(a)), the head of the Federal agency shall submit to the Commission for inclusion in the consolidated record, in addition to the information required under paragraph (1), a written statement demonstrating that the Federal agency gave equal consideration to the effects of the covered measure on—

“(A) energy supply, distribution, cost, and use;

“(B) flood control;

“(C) navigation;

“(D) water supply; and

“(E) air quality and the preservation of other aspects of environmental quality.

“(3) **INFORMATION FROM OTHER AGENCIES.**—In preparing a written statement under paragraph

(2), the head of a Federal agency may make use of information produced or made available by other agencies with relevant expertise in the factors described in subparagraphs (A) through (E) of that paragraph.

“(k) **DELEGATION.**—A Secretary may delegate the authority to determine a condition to be necessary under section 4(e), or to prescribe a fishway under section 18, to an officer of the applicable department based, in part, on the ability of the officer to evaluate the broad effects of such condition or prescription on—

“(1) the applicable project; and

“(2) the factors described in subparagraphs (A) through (E) of subsection (j)(2).

“(l) **NO EFFECT ON OTHER LAWS.**—Nothing in this section shall be construed to affect any requirement of the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Endangered Species Act of 1973, section 14 of the Act of March 3, 1899 (commonly known as the Rivers and Harbors Appropriation Act of 1899), and those provisions in subtitle III of title 54, United States Code commonly known as the National Historic Preservation Act, with respect to an application for a license under this part.

“**SEC. 35. TRIAL-TYPE HEARINGS.**”

“(a) **DEFINITION OF COVERED MEASURE.**—In this section, the term ‘covered measure’ means—

“(1) a condition determined to be necessary under section 4(e), including an alternative condition proposed under section 33(a);

“(2) fishways prescribed under section 18, including an alternative prescription proposed under section 33(b); or

“(3) any action by the Secretary to exercise reserved authority under the license to prescribe, submit, or revise any condition to a license under the first proviso of section 4(e) or fishway prescribed under section 18.

“(b) **AUTHORIZATION OF TRIAL-TYPE HEARING.**—An applicant for a license under this part (including an applicant for a license under section 15) and any party to a license proceeding shall be entitled to a determination on the record, after opportunity for a trial-type hearing of not more than 120 days, on any disputed issues of material fact with respect to an applicable covered measure.

“(c) **DEADLINE FOR REQUEST.**—A request for a trial-type hearing under this section shall be submitted not later than 60 days after the date on which, as applicable—

“(1) the Secretary determines the condition to be necessary under section 4(e) or prescribes the fishway under section 18; or

“(2) the Secretary exercises reserved authority under the license to prescribe, submit, or revise any condition to a license under the first proviso of section 4(e) or fishway prescribed under section 18, as appropriate.

“(d) **NO REQUIREMENT TO EXHAUST.**—By electing not to request a trial-type hearing under subsection (c), a license applicant and any other party to a license proceeding shall not be considered to have waived the right of the applicant or other party to raise any issue of fact or law in a non-trial-type proceeding, but no issue may be raised for the first time on rehearing or judicial review of the license decision of the Commission.

“(e) **ADMINISTRATIVE LAW JUDGE.**—

“(1) **IN GENERAL.**—All disputed issues of material fact raised by a party in a request for a trial-type hearing submitted under subsection (c) shall be determined in a single trial-type hearing to be conducted by an Administrative Law Judge within the Office of Administrative Law Judges and Dispute Resolution of the Commission, in accordance with the Commission rules of practice and procedure under part 385 of title 18, Code of Federal Regulations (or successor regulations), and within the timeframe established by the Commission for each license proceeding (including a proceeding for a license under section 15) under section 34(d).

“(2) **REQUIREMENT.**—The trial-type hearing shall include the opportunity—

“(A) to undertake discovery; and

“(B) to cross-examine witnesses, as applicable.

“(f) STAY.—The Administrative Law Judge may impose a stay of a trial-type hearing under this section for a period of not more than 120 days to facilitate settlement negotiations relating to resolving the disputed issues of material fact with respect to the covered measure.

“(g) DECISION OF THE ADMINISTRATIVE LAW JUDGE.—

“(1) CONTENTS.—The decision of the Administrative Law Judge shall contain—

“(A) findings of fact on all disputed issues of material fact;

“(B) conclusions of law necessary to make the findings of fact, including rulings on materiality and the admissibility of evidence; and

“(C) reasons for the findings and conclusions.

“(2) LIMITATION.—The decision of the Administrative Law Judge shall not contain conclusions as to whether—

“(A) any condition or prescription should be adopted, modified, or rejected; or

“(B) any alternative condition or prescription should be adopted, modified, or rejected.

“(3) FINALITY.—A decision of an Administrative Law Judge under this section with respect to a disputed issue of material fact shall not be subject to further administrative review.

“(4) SERVICE.—The Administrative Law Judge shall serve the decision on each party to the hearing and forward the complete record of the hearing to the Commission and the Secretary that proposed the original condition or prescription.

“(h) SECRETARIAL DETERMINATION.—

“(1) IN GENERAL.—Not later than 60 days after the date on which the Administrative Law Judge issues the decision under subsection (g) and in accordance with any applicable schedule established by the Commission under section 34(d), the Secretary proposing a covered measure shall file with the Commission a final determination to adopt, modify, or withdraw any condition or prescription that was the subject of a hearing under this section, based on the decision of the Administrative Law Judge.

“(2) RECORD OF DETERMINATION.—The final determination of the Secretary filed with the Commission shall identify the reasons for the decision and any considerations taken into account that were not part of, or were inconsistent with, the findings of the Administrative Law Judge and shall be included in the consolidated record maintained under section 34(i).

“(i) RESOLUTION OF MATTERS.—Notwithstanding sections 4(e) and 18, if the Commission finds that a final determination under (h)(1) of the Secretary is inconsistent with the purposes of this part or other applicable law, the Commission may enter into a memorandum of understanding with the Secretary to facilitate inter-agency coordination and resolve the matter.

“(j) JUDICIAL REVIEW.—The decision of the Administrative Law Judge and the record of determination of the Secretary shall be included in the record of the applicable licensing proceeding and subject to judicial review of the final licensing decision of the Commission under section 313(b).

“SEC. 36. LICENSING STUDY IMPROVEMENTS.

“(a) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

“(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science;

“(2) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this part; and

“(3) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

“(b) USE OF STUDIES.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for Federal authorization (as defined in section 34) shall use studies and data based on current, accepted science in support of their actions. Any participant in a proceeding with respect to such a Federal authorization shall demonstrate that a study requested by the participant is not duplicative of current, existing studies that are applicable to the project.

“(c) INTRA-WATERSHED REVIEW.—The Commission shall establish a program to develop comprehensive plans, at the request of project applicants, on a watershed-wide scale, in consultation with the applicants, appropriate Federal agencies, and affected States, local governments, and Indian tribes, in watersheds with respect to which there are more than one application for a project. Upon such a request, the Commission, in consultation with the applicants, such Federal agencies, and affected States, local governments, and Indian tribes, may conduct or commission watershed-wide environmental studies, with the participation of at least 2 applicants. Any study conducted under this subsection shall apply only to a project with respect to which the applicants participate.

“SEC. 37. LICENSE AMENDMENT IMPROVEMENTS.

“(a) QUALIFYING PROJECT UPGRADES.—

“(1) IN GENERAL.—As provided in this section, the Commission may approve an application under this section for an amendment to a license issued under this part for a qualifying project upgrade.

“(2) APPLICATION.—A licensee filing an application for an amendment to a project license, for which the licensee is seeking approval as a qualified project upgrade under this section, shall include in such application information sufficient to demonstrate that the proposed change to the project described in the application is a qualifying project upgrade.

“(3) NOTICE AND INITIAL DETERMINATION ON QUALIFICATION.—Not later than 30 days after receipt of an application under paragraph (2), the Commission, in consultation with other Federal agencies, States, and Indian tribes the Commission determines appropriate, shall publish in the Federal Register a notice containing—

“(A) notice of the application filed under paragraph (2);

“(B) an initial determination as to whether the proposed change to the project described in the application for a license amendment is a qualifying project upgrade; and

“(C) a request for public comment on the application and the initial determination.

“(4) PUBLIC COMMENT AND CONSULTATION.—The Commission shall, for a period of 45 days beginning on the date of publication of a notice under paragraph (3)—

“(A) accept public comment regarding the application and whether the proposed license amendment is for a qualifying project upgrade; and

“(B) consult with each Federal, State, and local government agency and Indian tribe considering an aspect of an application for any authorization required under Federal law with respect to the proposed license amendment, as well as other interested agencies and Indian tribes.

“(5) FINAL DETERMINATION ON QUALIFICATION.—Not later than 15 days after the end of the public comment and consultation period under paragraph (4), the Commission shall publish in the Federal Register a final determination as to whether the proposed license amendment is for a qualifying project upgrade.

“(6) FEDERAL AUTHORIZATIONS.—In establishing the schedule for a proposed license amendment for a qualifying project upgrade, the Commission shall require final disposition of all authorizations required under Federal law with respect to an application for such license amendment, other than final action by the Commission, by not later than 120 days after the date on which the Commission publishes a final determination under paragraph (5) that the proposed license amendment is for a qualifying project upgrade.

“(7) COMMISSION ACTION.—Not later than 150 days after the date on which the Commission publishes a final determination under paragraph (5) that a proposed license amendment is for a qualifying project upgrade, the Commission shall take final action on the license amendment application.

“(8) LICENSE AMENDMENT CONDITIONS.—Any condition or prescription included in or applicable to a license amendment for a qualifying project upgrade approved under this subsection, including any condition, prescription, or other requirement of a Federal authorization, shall be limited to those that are—

“(A) necessary to protect public safety; or

“(B) reasonable, economically feasible, and essential to prevent loss of or damage to, or to mitigate adverse effects on, fish and wildlife resources, water supply, and water quality that are directly caused by the construction and operation of the qualifying project upgrade, as compared to the environmental baseline existing at the time the Commission approves the application for the license amendment.

“(9) RULEMAKING.—Not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule to implement this subsection.

“(10) DEFINITIONS.—For purposes of this subsection:

“(A) QUALIFYING PROJECT UPGRADE.—The term ‘qualifying project upgrade’ means a change to a project licensed under this part that meets the qualifying criteria, as determined by the Commission.

“(B) QUALIFYING CRITERIA.—The term ‘qualifying criteria’ means, with respect to a project licensed under this part, a change to the project that—

“(i) if carried out, would be unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 or result in the destruction or adverse modification of critical habitat, as determined in consultation with the Secretary of the Interior or Secretary of Commerce, as appropriate, in accordance with section 7 of the Endangered Species Act of 1973;

“(ii) is consistent with any applicable comprehensive plan under section 10(a)(2);

“(iii) includes only changes to project lands, waters, or operations that, in the judgment of the Commission, would result in only insignificant or minimal cumulative adverse environmental effects;

“(iv) would be unlikely to adversely affect water quality or water supply; and

“(v) proposes to implement—

“(I) capacity increases, efficiency improvements, or other enhancements to hydropower generation at the licensed project;

“(II) environmental protection, mitigation, or enhancement measures to benefit fish and wildlife resources or other natural and cultural resources; or

“(III) improvements to public recreation at the licensed project.

“(b) AMENDMENT APPROVAL PROCESSES.—

“(1) RULE.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and opportunity for public comment, issue a rule establishing new standards and procedures for license amendment applications under this part. In issuing such rule, the Commission shall seek to develop

the most efficient and expedient process, consultation, and review requirements, commensurate with the scope of different categories of proposed license amendments. Such rule shall account for differences in environmental effects across a wide range of categories of license amendment applications.

“(2) CAPACITY.—In issuing a rule under this subsection, the Commission shall take into consideration that a change in generating or hydraulic capacity may indicate the potential environmental effects of a proposed license amendment but is not determinative of such effects.

“(3) PROCESS OPTIONS.—In issuing a rule under this subsection, the Commission shall take into consideration the range of process options available under the Commission’s regulations for license applications and adapt such options to amendment applications, where appropriate.”.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) LICENSES.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(1) by striking “adequate protection and utilization of such reservation” and all that follows through “That no license affecting the navigable capacity” and inserting “adequate protection and utilization of such reservation: Provided further, That no license affecting the navigable capacity”; and

(2) by striking “deem” and inserting “determine”.

(b) OPERATION OF NAVIGATION FACILITIES.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by striking the second, third, and fourth sentences.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 115–391. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GROTHMAN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115–391.

Mr. GROTHMAN. Mr. Chair, as the designee of my friend and colleague, Mr. POCAN, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. CONSIDERATION OF INVASIVE SPECIES.

Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after “the Secretary of Commerce.” the following: “In prescribing a fishway, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall consider the threat of invasive species.”.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from Wisconsin (Mr. GROTHMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. GROTHMAN. Mr. Chair, first of all, I would like to thank the chair and

ranking member for their collaborative effort to bring this bill forward.

This amendment, which is supported by colleagues on both sides of the aisle, is pretty simple. It requires Federal decisionmakers in the Department of the Interior to consider the threat of invasive species when installing fishways.

This was brought to my attention while looking at a dam on the Wisconsin River in Wisconsin. Below that dam, we had Asian carp, an invasive species, a huge fish. If that fish was able to get further north on the Wisconsin River, because of a fishway, you could wind up with this invasive species not only in the northern part of the river, but, and quite frankly, in dozens of lakes throughout northern Wisconsin.

As a matter of fact, given where that dam is, if there is even flooding, that invasive species could wind up working its way into Lake Michigan and up the Saint Lawrence Seaway. It is very important that before the Department of the Interior listens to certain environmentalists, they realize that a fishway at this dam would result in big trouble.

Because of the devastating effects invasive species can have on the environment, local fish population, and the economy, this amendment will ensure the Federal agencies take into account all consequences before installing fishways.

Mr. Chair, I include in the RECORD a letter from Alliant Energy.

ALLIANT ENERGY,
November 8, 2017.

Hon. MARK POCAN,
Member of Congress, House of Representatives,
Washington, DC.

Hon. GLENN GROTHMAN,
Member of Congress, House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES POCAN AND GROTHMAN: I am writing in strong support of your invasive species amendment to H.R. 3043, the Hydropower Modernization Act of 2017, which is due to be considered on the floor of the U.S. House today. Alliant Energy deeply appreciates your commitment to this pro-environment measure, and for protecting Wisconsin’s watersheds.

As you know, an Alliant subsidiary, Wisconsin Power and Light, owns and operates a dam located in Prairie du Sac, Wisconsin, on the Wisconsin River. The Prairie du Sac dam, now over 100 years old, is responsible for the formation of Lake Wisconsin, which serves as an enormous recreational and wildlife resource for our state.

Over a decade ago, the U.S. Fish and Wildlife Service sought to impose a fishway requirement on the license for the dam, essentially calling for a “fishway” to be installed to allow for the upstream migration of native fish. Since that time, however, scientists and state officials have discovered the existence of non-native, invasive fish species (Asian carp) at the base of the dam. If a fishway were now installed, it seems clear that these invasive species would also be able to migrate—and thereby endanger native fish populations upstream, including Lake Wisconsin.

Your amendment would ensure that, in this particular case, the U.S. Fish and Wildlife Service would be required to consider the threats posed by invasive species before imposing a fishway condition on a hydro-

electric license. We believe strongly that such decisions should be predicated on the most up to date information available, and your amendment will help guarantee that invasive species are not permitted to threaten the Lake Wisconsin watershed.

Again, thank you for offering your amendment. Please let me know how Alliant may assist you in ushering this much-needed provision into public law.

Sincerely,
DAVID DE LEON,
Vice President Operations—Wisconsin,
Alliant Energy.

Mr. UPTON. Will the gentleman yield?

Mr. GROTHMAN. Mr. Chair, I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chair, I just want to say that this is a very good amendment. It is bipartisan. It is critical that—I know our Great Lakes Caucus, on a bipartisan basis, in both bodies, the House and Senate, have taken strong actions against the Asian carp.

This is a good amendment. We are certainly prepared to accept it, and I commend you for taking the time on the floor.

Ms. MOORE. Will the gentleman yield?

Mr. GROTHMAN. Mr. Chair, I yield to the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I thank my colleague from the Badger State for yielding to me. I am so pleased to join him, along with Representative MARK POCAN, in support of this amendment.

It is critical, Mr. Chairman. Wisconsinites value our natural resources like no other. The Great Lakes are an immense source of regional pride as well as a great economic engine for our region, and we know that these resources are constantly under attack from a variety of threats. One particularly nefarious threat is invasive species.

My colleagues and I are all aware of the costs these species impose. These costs are something that, unfortunately, the Great Lakes region knows too well. From the sea lamprey to the zebra mussel, to the carnivorous Asian carp now advancing toward the region, we have spent hundreds of millions of dollars dealing with the damage created when these invasive and nuisance species get into the Great Lakes ecosystem; and keeping them out of the Great Lakes in the first place is the most effective strategy.

A stitch in time saves nine, so I am pleased that this is a bipartisan amendment. I want to emphasize that the amendment does not predetermine any particular outcome or decision.

There is no magic bullet, Mr. Chairman, to the problem of invasive species given that there are so many pathways for them to get into a body of water, including through ballast water, but this commonsense amendment gives us a more effective tool in that fight.

Mr. Chairman, I support this amendment, and I urge my colleagues to vote for it.

Mr. RUSH. Will the gentleman yield?

Mr. GROTHMAN. I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Chair, the minority side is prepared to accept this amendment.

Mr. GROTHMAN. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GROTHMAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BABIN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115-391.

Mr. BABIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. EXAMINATION OF LICENSES FOR PROJECTS LOCATED IN DISASTER AREAS.

Not later than one year after the date of enactment of this Act, the Federal Energy Regulatory Commission may examine the license issued by the Commission under part I of the Federal Power Act for any project that is located in an area that was declared by the President to be a disaster area in 2017.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from Texas (Mr. BABIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BABIN. Mr. Chairman, when a disaster like Hurricane Harvey strikes, the most important job we have is to assist those in harm's way.

From the Texas National Guard to the Louisiana Cajun Navy, to countless volunteers and citizens who have volunteered and contributed their time, their money, and their prayers, we saw across southeast Texas, in the immediate aftermath of that storm, nothing less than a model to which the whole Nation and world can aspire.

I have even compared the rescue of so many Texans by boat to the miracle at Dunkirk.

But when the storm passes, it is just as important that we look for lessons, demand accountability, and work to fix whatever went wrong or may have made this situation worse.

I am pleased to offer this amendment today that will begin to address such an issue.

When a hydropower station is licensed and regulated by FERC, it is not just the power plant that falls under Federal control. Decisions about lake levels, flood storage capacity, and other measurements of the body of water that powers that station are set forth in FERC license protocols and guidelines written and administered by folks who work right here in Washington.

□ 1500

As a former official for the Texas Lower Neches Valley River Authority, I know that these are tough decisions to make, and sometimes it is a matter

of choosing between bad and worse options of where to put all of that water.

But in my district, serious concerns have been raised by my constituents and local river authorities about whether FERC's licenses for hydropower facilities need to be adjusted to account for the unprecedented flooding that we just experienced and with the ability to make commonsense changes in the face of an impending flood event.

My amendment ensures that nothing will stand in the way of FERC going in and examining the licenses for any facility located in the path of the terrible disasters that we have seen this year. By passing it with strong bipartisan support, we will make clear that that is just what FERC should do.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON) and introduce someone who is now famous in Texas, Uncle FRED UPTON, now that the Astros have won the World Series.

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding. And, yes, I do have, now, extended family in Texas.

Mr. Chairman, this is another tool in the toolbox for FERC. We want to make sure that areas are protected that have survived, somehow, these terrible hurricanes.

Mr. Chairman, I urge all of my colleagues on a bipartisan basis to support this good amendment.

Mr. BABIN. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. HIGGINS), my next-door neighbor and cosponsor of this amendment.

Mr. HIGGINS of Louisiana. Mr. Chairman, I rise today in support of amendment No. 2 to the Hydropower Policy Modernization Act of 2017, offered by my friend, Representative BABIN of Texas.

My colleague's amendment, of which I am a cosponsor, is a commonsense addition to this important piece of legislation, which will allow the government to take more reasonable steps to mitigate the damages of flooding and hurricanes.

Mr. Chairman, I participated in rescue operations in Texas in the immediate wake of Hurricane Harvey. The last rescue I personally responded to was early on Friday, around 1 or 2 in the morning, less than 2 days after Harvey's landfall.

The elderly gentleman we rescued told me something I will never forget. With tears in his eyes, he said: Sir, I have lived in my home since 1968 and it never flooded. In 50 years, I have seen this much water fall, but I have never seen this much water rise.

Mr. Chairman, no one in this body batted an eye when we approved hundreds of billions of dollars in emergency appropriations relief to the victims of this year's hurricane season. It is time we as the people's House move past the reactionary era of addressing the need to repeal and rebuild after natural disasters and start focusing on

proactive solutions to mitigate potential damage before natural disasters.

A proactive spirit should be fully implemented in our regulations and how we invest in infrastructure. If we had invested, over the last few decades, just a small percentage of the people's treasure that we have granted postdisaster as emergency relief appropriations into premitigation efforts, such as the cleaning and maintenance of our existing water management systems, both natural and man-made, much of the resulting damage would not have occurred and many fewer American families would have suffered.

Representative BABIN's amendment will allow a procedural tool for the FERC to review licenses for any project located in a region declared by the President to be a disaster area, which will allow us to better and more strategically manage our dams, floodgates, and reservoirs when we know storms like Hurricane Harvey are imminent.

Mr. Chairman, I thank Congressman BABIN for introducing this amendment, and I urge my colleagues on both sides of the aisle to support this commonsense solution, as well as the underlying bill.

Mr. RUSH. Will the gentleman yield?

Mr. BABIN. I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, the minority is prepared to accept this amendment.

Mr. BABIN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. ESTES of Kansas). The question is on the amendment offered by the gentleman from Texas (Mr. BABIN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. JENKINS OF WEST VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115-391.

Mr. JENKINS of West Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 5. STUDIES FOR NON-FEDERAL HYDRO-POWER.

Notwithstanding any other provision of law, if the Federal Energy Regulatory Commission has in place a memorandum of understanding with another Federal agency for non-federal hydropower with respect to a project licensed under part I of the Federal Power Act (regardless of explicit Congressional authorization for such non-federal hydropower), the other Federal agency may fully study and review the potential expansion of such non-federal hydropower at the project, including a review of seasonal pool levels and slowing flood releases.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from West Virginia (Mr. JENKINS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. JENKINS of West Virginia. Mr. Chairman, my amendment is very straightforward. It supports the mission of the underlying bill to responsibly increase opportunities for hydropower across the Nation.

My amendment authorizes agencies with an existing memorandum of understanding with FERC to study the expansion of hydropower. The need for this arises from a project in my district in Summersville, West Virginia. There is what is called a run-of-the-river hydroelectric project in Summersville. There is an MOU between the town—the city of Summersville—FERC, and the Army Corps of Engineers.

The Summersville hydro project was actually licensed by FERC in 1992 and constructed in 2001, with the cooperation of the Army Corps of Engineers. It provides enough renewable energy to power 22,000 homes. It might be possible to increase hydropower by adjusting the seasonable pool levels and managing the releases. Even if this is only for just a few days, it could result in a 15 percent increase in power generation for the surrounding community.

Unfortunately, I have heard that even to conduct a study requires explicit authorization from Congress. So that is what we are doing here today with this amendment. This amendment would provide that authority, and only in limited cases where there is an existing MOU on the books between the agencies and FERC.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I thank my friend from West Virginia for yielding.

Mr. Chairman, this is an amendment that allows for a study of the potential to expand non-Federal hydropower projects in Federal dams. It is a good amendment. I support it, and I urge my colleagues to support it on a bipartisan basis.

Mr. RUSH. Will the gentleman yield? Mr. JENKINS of West Virginia. I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, the minority is prepared to support this amendment.

Mr. JENKINS of West Virginia. Mr. Chairman, I thank the minority very much for their support on this and, again, to the chair, for his leadership on this effort.

Mr. Chairman, let me close by thanking specifically a couple of individuals:

Jim Price, who has been integrally related and involved with this project from its inception, and I appreciate his leadership so much.

Enel Green Power North America, the operator and developer on this project. I thank them for their efforts.

Also, the mayor of the city of Summersville, Robert Shafer. I thank Bob Shafer for his incredible support and leadership in the city of Summersville.

Mr. Chairman, I encourage support for this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. JENKINS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115-391.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hydropower Policy Modernization Act of 2017”.

SEC. 2. HYDROPOWER REGULATORY IMPROVEMENTS.

(a) SENSE OF CONGRESS ON THE USE OF HYDROPOWER RENEWABLE RESOURCES.—It is the sense of Congress that—

(1) hydropower is a renewable resource for purposes of all Federal programs and is an essential source of energy in the United States; and

(2) the United States should increase substantially the capacity and generation of clean, renewable hydropower that would improve environmental quality in the United States.

(b) MODIFYING THE DEFINITION OF RENEWABLE ENERGY TO INCLUDE HYDROPOWER.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by amending paragraphs (1) through (3) to read as follows:

“(1) Not less than 17 percent in fiscal years 2017 through 2019.

“(2) Not less than 20 percent in fiscal years 2020 through 2024.

“(3) Not less than 25 percent in fiscal year 2025 and each fiscal year thereafter.”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) RENEWABLE ENERGY.—The term ‘renewable energy’ means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, or municipal solid waste, or from a hydropower project.”.

(c) PRELIMINARY PERMITS.—Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) in subsection (a), by striking “three” and inserting “4”; and

(2) by amending subsection (b) to read as follows:

“(b) The Commission may—

“(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years permitted by subsection (a) if the Commission finds that the permittee has carried out activities under such permit in good faith and with reasonable diligence; and

“(2) if the period of a preliminary permit is extended under paragraph (1), extend the period of such preliminary permit once for not more than 4 additional years beyond the extension period granted under paragraph (1), if the Commission determines that there are extraordinary circumstances that warrant such additional extension.”.

(d) TIME LIMIT FOR CONSTRUCTION OF PROJECT WORKS.—Section 13 of the Federal Power Act (16 U.S.C. 806) is amended in the second sentence by striking “once but not longer than two additional years” and in-

serting “for not more than 8 additional years.”.

(e) CONSIDERATIONS FOR RELICENSING TERMS.—Section 15(e) of the Federal Power Act (16 U.S.C. 808(e)) is amended—

(1) by striking “(e) Except” and inserting the following:

“(e) LICENSE TERM ON RELICENSING.—

“(1) IN GENERAL.—Except”; and

(2) by adding at the end the following:

“(2) CONSIDERATION.—In determining the term of a license under paragraph (1), the Commission shall consider project-related investments by the licensee over the term of the existing license (including any terms under annual licenses) that resulted in new development, construction, capacity, efficiency improvements, or environmental measures, but which did not result in the extension of the term of the license by the Commission.”.

SEC. 3. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

(a) HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.—Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

“SEC. 34. HYDROPOWER LICENSING AND PROCESS IMPROVEMENTS.

“(a) DEFINITION.—In this section, the term ‘Federal authorization’—

“(1) means any authorization required under Federal law with respect to an application for a license under this part; and

“(2) includes any conditions, prescriptions, permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law to approve or implement the license under this part.

“(b) DESIGNATION AS LEAD AGENCY.—The Commission shall act as the lead agency for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license under this part.

“(c) RULEMAKING TO ESTABLISH PROCESS TO SET SCHEDULE.—

“(1) NEGOTIATED RULEMAKING.—Not later than 90 days after the date of enactment of this section the Commission, the Secretary of Agriculture, the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior shall enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop and publish a rule providing a process for the Commission to evaluate, and issue a final decision on, a completed application for a license under this part.

“(2) NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established pursuant to the negotiated rulemaking process entered into under paragraph (1) shall include representatives of State and Indian tribal governments, and other stakeholders who will be significantly affected by a rule issued under this subsection.

“(3) DEADLINES.—

“(A) PROPOSED RULE.—Not later than 2 years after the date of enactment of this section, the Commission shall publish a proposed rule resulting from the negotiated rulemaking under this subsection.

“(B) FINAL RULE.—Not later than 3 years after the date of enactment of this section, the Commission shall publish a final rule resulting from the negotiated rulemaking under this subsection.

“(4) ELEMENTS OF RULE.—In publishing a rule under this subsection, the Commission shall ensure that—

“(A) the rule includes a description of the Commission’s responsibility as the lead agency in coordinating Federal authorizations;

“(B) the rule includes a process for development of a schedule for the review and disposition of a completed application for a license under this part;

“(C) each schedule developed pursuant to such process shall—

“(i) include deadlines for actions on the applicable completed application—

“(I) that are consistent with the duties of each agency under this Act and under applicable State, tribal, and other Federal laws; and

“(II) by—

“(aa) each Federal agency responsible for a Federal authorization;

“(bb) each State agency, local government, or Indian tribe that may consider an aspect of an application for a Federal authorization or is responsible for conducting any separate permitting and environmental reviews of the applicable project;

“(cc) the applicant;

“(dd) the Commission; and

“(ee) other participants in a license proceeding;

“(ii) facilitate the identification and completion of Federal, State, and tribal agency-requested studies, reviews, and any other procedures required to be conducted prior to, or concurrent with, the preparation of the Commission’s environmental review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), to the extent practicable; and

“(iii) provide for a final decision on the applicable completed application to be made by not later than 3 years after the date on which the Commission receives such completed application;

“(D) the rule includes a mechanism for resolving issues of concern that may delay the completion of a license application or review of a completed application;

“(E) the rule includes a definition of a completed application; and

“(F) the rule provides for an opportunity for public notice and comment on—

“(i) a completed application; and

“(ii) the schedule developed for the review and disposition of the application.

“(d) APPLICATION PROCESSING.—The Commission, Federal, State, and local government agencies, and Indian tribes may allow an applicant seeking a Federal authorization to fund a third-party contractor selected by such an agency or tribe to assist in reviewing the application. All costs of an agency or tribe incurred pursuant to direct funding by the applicant, including all costs associated with the third party contractor, shall not be considered costs of the United States for the administration of this part under section 10(e).

“(e) ISSUE RESOLUTION.—The Commission may forward any issue of concern that has delayed either the completion of the application or the issuance of a license for a completed application beyond the deadline set forth in the schedule established under the final rule published under subsection (c) to the heads of the relevant State, Federal, or Indian tribal agencies for resolution. If the Commission forwards an issue of concern to the head of a relevant agency, the Commission and the relevant agency shall enter into a memorandum of understanding to facilitate interagency coordination and resolution of the issue of concern, as appropriate.

“(f) NO EFFECT ON OTHER LAWS.—Nothing in this section—

“(1) expands or limits the application of any power or authority vested in an agency, State, or Indian tribe by any applicable law or regulation;

“(2) shall be construed to affect any requirements of State, tribal, or other Federal law (including under the Federal Water Pollution Control Act, the Fish and Wildlife Co-

ordination Act, the Endangered Species Act of 1973, section 14 of the Act of March 3, 1899 (commonly known as the Rivers and Harbors Appropriation Act of 1899), the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, and those provisions in subtitle III of title 54, United States Code, commonly known as the National Historic Preservation Act) with respect to an application for a license under this part; or

“(3) abrogates, diminishes, or otherwise affects any treaty or other right of any Indian tribe.

“SEC. 35. LICENSING STUDY IMPROVEMENTS.

“(a) IN GENERAL.—To facilitate the timely and efficient completion of the license proceedings under this part, the Commission shall, in consultation with applicable Federal and State agencies and interested members of the public—

“(1) compile current and accepted best practices in performing studies required in such license proceedings, including methodologies and the design of studies to assess the full range of environmental impacts of a project that reflect the most recent peer-reviewed science;

“(2) compile a comprehensive collection of studies and data accessible to the public that could be used to inform license proceedings under this part; and

“(3) encourage license applicants, agencies, and Indian tribes to develop and use, for the purpose of fostering timely and efficient consideration of license applications, a limited number of open-source methodologies and tools applicable across a wide array of projects, including water balance models and streamflow analyses.

“(b) USE OF STUDIES.—To the extent practicable, the Commission and other Federal, State, and local government agencies and Indian tribes considering an aspect of an application for Federal authorization (as defined in section 34) shall use relevant, existing studies and data and avoid duplicating such studies that are applicable to the project. Studies repeated for the purpose of characterizing seasonal or annual variation of a relevant characteristic or resource shall not be considered duplicative.

“SEC. 36. EVALUATION OF EXPEDITED LICENSING FOR QUALIFYING PROJECT UPGRADES.

“(a) DEFINITIONS.—In this section:

“(1) EXPEDITED LICENSE AMENDMENT PROCESS.—The term ‘expedited license amendment process’ means an expedited process for issuing an amendment to an existing license issued under this part for a project.

“(2) QUALIFYING PROJECT UPGRADE.—The term ‘qualifying project upgrade’ means a change—

“(A) to a project; and

“(B) that meets the criteria under subsection (b).

“(b) IN GENERAL.—To improve the regulatory process and reduce the time and cost of making upgrades to existing projects, the Commission shall investigate the feasibility of implementing an expedited license amendment process for a change to a project that meets the following criteria:

“(1) The change to the project—

“(A) is limited to the power house equipment of the project; or

“(B) will result in environmental protection, mitigation, or enhancement measures to benefit fish and wildlife resources or other natural or cultural resources.

“(2) The change to the project is unlikely to adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as determined by the Secretary of the Interior.

“(3) The Commission ensures, in accordance with section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), that the change to the project will not result in the destruction or modification of critical habitat.

“(4) The change to the project is consistent with any applicable comprehensive plan under section 10(a).

“(5) The change to the project is unlikely to adversely affect water quality and water supply, as determined in consultation with any applicable State or Indian tribe.

“(6) Any adverse environmental effects resulting from the change to the project will be insignificant.

“(c) WORKSHOPS AND PILOTS.—The Commission shall—

“(1) not later than 60 days after the date of enactment of this section, hold an initial workshop to solicit public comment and recommendations on how to implement an expedited license amendment process for qualifying project upgrades;

“(2) evaluate pending applications for an amendment to an existing license of a project for a qualifying project upgrade that may benefit from an expedited license amendment process;

“(3) not later than 180 days after the date of enactment of this section, identify and solicit participation by project developers in, and begin implementation of, a 3-year pilot program to evaluate the feasibility and utility of an expedited license amendment process for qualifying project upgrades; and

“(4) not later than 3 months after the end of the 3-year pilot program under paragraph (3), hold a final workshop to solicit public comment on the expedited license amendment process.

“(d) MEMORANDUM OF UNDERSTANDING.—The Commission shall, to the extent practicable, enter into a memorandum of understanding with any applicable Federal, State, or tribal agency to implement the pilot program described in subsection (c).

“(e) REPORTS.—Not later than 3 months after the date of the final workshop held pursuant to subsection (c)(4), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes—

“(1) a summary of the public comments received as part of the initial workshop held under subsection (c)(1);

“(2) a summary of the public comments received as part of the final workshop held under subsection (c)(4);

“(3) a description of the expedited license amendment process for qualifying project upgrades evaluated under the pilot program, including—

“(A) a description of the procedures or requirements that were waived under the expedited license amendment process;

“(B) a comparison between—

“(i) the average amount of time required to complete the licensing process for an amendment to a license under the expedited license amendment process tested under the pilot program; and

“(ii) the average amount of time required to complete the licensing process for a similar amendment to a license under current Commission processes;

“(4) the number of requests received by the Commission to participate in the expedited license amendment process for qualifying project upgrades;

“(5) a description of changes to Commission rules required to create and standardize an expedited license amendment process for qualifying project upgrades;

“(6) a description of factors that prevented any participant in the pilot program from

completing the expedited license amendment process in the expedited time frame.

“(f) IMPLEMENTATION.—If the Commission determines, based upon the workshops and results of the pilot program under subsection (c), that an expedited license amendment process will reduce the time and costs for issuing amendments to licenses for qualifying project upgrades, the Commission shall revise its policies and regulations, in accordance with applicable law, to establish an expedited license amendment process.

“(g) PUBLIC INPUT.—In carrying out subsection (f), the Commission shall solicit and consider public comments before finalizing any change to policies or regulations.”

SEC. 4. PILOT PROGRAM FOR CONSOLIDATED LICENSING PROCESS FOR INTRA-WATERSHED PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) PROJECT.—The term “project” has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) INITIAL WORKSHOP.—Not later than 3 months after the date of enactment of this Act, the Commission shall hold a workshop to solicit public comment and recommendations on how to implement a pilot program described in subsection (c).

(c) ESTABLISHMENT OF PILOT PROGRAM.—The Commission shall establish a voluntary pilot program to enable the Commission to consider multiple projects together in a consolidated licensing process in order to issue a license under part I of the Federal Power Act (16 U.S.C. 792 et seq.) for each such project.

(d) CANDIDATE PROJECT IDENTIFICATION.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with the head of any applicable Federal or State agency or Indian tribe and licensees, shall identify and solicit candidate projects to participate in the pilot program established under subsection (c). In order to participate in such pilot program a project shall meet the following criteria:

(1) The current license for the project expires between 2019 and 2029 or the project is not licensed under part I of the Federal Power Act (16 U.S.C. 792 et seq.).

(2) The project is located within the same watershed as other projects that are eligible to participate in the pilot program.

(3) The project is located in sufficiently close proximity and has environmental conditions that are sufficiently similar to other projects that are eligible to participate in the pilot program so that watershed-wide studies and information may be developed, thereby significantly reducing the need for, and scope of, individual project-level studies and information.

(e) DESIGNATION OF INDIVIDUAL PROJECTS AS A SINGLE GROUP.—The Commission may designate a group of projects to be considered together in a consolidated licensing process under the pilot program established under subsection (c). The Commission may designate such a group only if each licensee (or applicant) for a project in the group, on a voluntary basis and in writing, agrees—

(1) to participate in the pilot program; and

(2) to a cost-sharing arrangement with other licensees (or applicants) and applicable Federal and State agencies with respect to the conduct of watershed-wide studies to be considered in support of the license applications for the group of projects.

(f) PROJECT LICENSE TERMS.—The Commission may change the term of any existing license for an individual licensee in a group designated under subsection (e) by up to 5 years—

(1) to provide sufficient time to develop a consolidated study plan for—

(A) studies for individual projects in the group, as necessary; and

(B) relevant watershed-wide studies for purposes of the consolidated licensing process under the pilot program established under subsection (c) that will be applicable to each project in the group; and

(2) to align the terms of the existing licenses such that they expire on the same date.

(g) MEMORANDUM OF UNDERSTANDING.—The Commission shall, to the extent practicable, enter into a memorandum of understanding with any applicable Federal or State agency or Indian tribe to implement the pilot program established under subsection (c).

(h) INITIAL REPORT.—Not later than 3 months after the date of the initial workshop held pursuant to subsection (b), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes—

(1) a summary of the public comments received as part of such initial workshop; and

(2) a preliminary plan for identifying and soliciting participants in the pilot program established under subsection (c).

(i) INTERIM REPORT.—Not later than 4 years after the establishment of the pilot program under subsection (c), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes—

(1) a description of the status of the pilot program, including a description of the individual projects that are participating in the pilot program and the watersheds in which such projects are located; or

(2) if no projects are participating in the pilot program, a summary of any barriers the Commission has identified to proceeding with the pilot program and the reasons provided by potential participants for their preference for using an individual license process.

SEC. 5. INTERAGENCY COMMUNICATIONS AND COOPERATION.

Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is further amended by adding at the end the following new section:

“SEC. 37. INTERAGENCY COMMUNICATIONS AND COOPERATION.

“(a) EX PARTE COMMUNICATIONS.—Inter-agency communications relating to the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license under this part, or to the licensing process for a license under this part, shall not be considered to be ex parte communications under Commission rules.

“(b) PARTICIPATION IN PROCEEDINGS.—Inter-agency cooperation, at any time, in the preparation of environmental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an application for a license under this part, or in the licensing process for a license under this part, shall not preclude an agency from participating in a licensing proceeding under this part.

“(c) SEPARATION OF STAFF.—Notwithstanding subsection (a), to the extent the Commission determines necessary, the Commission may require Federal and State agencies participating as cooperating agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to demonstrate a separation of staff that are cooperating with the Commission with respect to a proceeding under this part from staff that may participate in an intervention in the applicable proceeding.”

SEC. 6. HYDROELECTRIC PRODUCTION INCENTIVES AND EFFICIENCY IMPROVEMENTS.

(a) HYDROELECTRIC PRODUCTION INCENTIVES.—Section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881) is amended—

(1) in subsection (c), by striking “10” and inserting “20”;

(2) in subsection (f), by striking “20” and inserting “30”; and

(3) in subsection (g), by striking “each of the fiscal years 2006 through 2015” and inserting “each of fiscal years 2017 through 2026”.

(b) HYDROELECTRIC EFFICIENCY IMPROVEMENT.—Section 243(c) of the Energy Policy Act of 2005 (42 U.S.C. 15882(c)) is amended by striking “each of the fiscal years 2006 through 2015” and inserting “each of fiscal years 2017 through 2026”.

SEC. 7. TECHNICAL AMENDMENTS.

(a) ALTERNATIVE CONDITIONS.—Section 33(a)(2)(B) of the Federal Power Act (16 U.S.C. 823d(a)(2)(B)) is amended, in the matter preceding clause (i), by inserting “deemed necessary” before “by the Secretary”.

(b) LICENSES.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by striking “adequate protection and utilization of such reservation” and all that follows through “That no license affecting the navigable capacity” and inserting “adequate protection and utilization of such reservation. The license applicant and any party to the proceeding shall be entitled to a determination on the record, after opportunity for an agency trial-type hearing of no more than 90 days, on any disputed issues of material fact with respect to such conditions. All disputed issues of material fact raised by any party shall be determined in a single trial-type hearing to be conducted by the relevant resource agency in accordance with the regulations promulgated under this subsection and within the time frame established by the Commission for each license proceeding. Within 90 days of the date of enactment of the Energy Policy Act of 2005, the Secretaries of the Interior, Commerce, and Agriculture shall establish jointly, by rule, the procedures for such expedited trial-type hearing, including the opportunity to undertake discovery and cross-examine witnesses, in consultation with the Federal Energy Regulatory Commission: *Provided further*, That no license affecting the navigable capacity”.

SEC. 8. IMPROVING CONSULTATION WITH INDIAN TRIBES.

(a) GUIDANCE DOCUMENT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Federal Energy Regulatory Commission and the Secretary of the Interior shall prepare, in consultation with interested Indian tribes, licensees under part I of the Federal Power Act, and the public, a guidance document that identifies best practices for the Commission, Federal and State resource agencies, Indian tribes, and applicants for licenses under part I of the Federal Power Act for effective engagement of Indian tribes in the consideration of applications for licenses under part I of the Federal Power Act that may affect an Indian reservation, a treaty, or other right of an Indian tribe.

(2) UPDATES.—The Commission and Secretary shall update the guidance document prepared under paragraph (1) every 10 years.

(3) PUBLIC PARTICIPATION.—In preparing or updating the guidance document, the Commission and the Secretary shall convene public meetings at different locations in the United States, and shall provide an opportunity for written public comments.

(b) PUBLIC WORKSHOPS.—

(1) IN GENERAL.—Not later than one year after preparing or updating the guidance

document under subsection (a), the Commission shall convene public workshops, held at different locations in the United States, to inform and educate Commission staff, Federal and State resource agencies, Indian tribes, applicants for licenses under part I of the Federal Power Act, and interested members of the public, on the best practices identified in the guidance document.

(2) CONSULTATION.—In preparing the agenda for such workshops, the Commission shall consult with the Secretary of the Interior, interested Indian tribes, and licensees under part I of the Federal Power Act.

SEC. 9. TRIBAL MANDATORY CONDITIONS.

(a) IN GENERAL.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended—

(1) in subsection (e), in the first proviso, by inserting “, or, in the case of tribal land, subject to subsection (h), the Indian tribe having jurisdiction over the tribal land,” after “under whose supervision such reservation falls”; and

(2) by adding at the end the following:

“(h) TRIBAL MANDATORY CONDITIONS.—

“(1) CRITERIA.—An Indian tribe may deem conditions necessary under the first proviso of subsection (e) only if the Secretary of the Interior (referred to in this subsection as the ‘Secretary’) determines that the Indian tribe has—

“(A) confirmed the intent of the Indian tribe to deem conditions necessary under the first proviso of subsection (e) by resolution or other official action by the governing body of the Indian tribe;

“(B) demonstrated financial stability and financial management capability over the 3-fiscal-year period preceding the date of the determination of the Secretary under this paragraph; and

“(C) demonstrated the ability to plan, conduct, and administer all services, functions, and activities that would otherwise be administered by the Secretary with respect to deeming conditions necessary on tribal land under the first proviso of subsection (e).

“(2) DETERMINATION ON REQUEST.—On request of an Indian tribe, not later than 1 year after the date on which the Secretary receives the request, the Secretary shall make the determination under paragraph (1).

“(3) WITHDRAWAL OF DETERMINATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary determines that an Indian tribe no longer meets the criteria under paragraph (1), the Secretary may withdraw the determination under paragraph (2).

“(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before withdrawing a determination under subparagraph (A), the Secretary shall provide to the Indian tribe—

“(i) notice of the proposed withdrawal; and

“(ii) an opportunity to respond and, if necessary, redress the deficiencies identified by the Secretary.”.

(b) ALTERNATIVE CONDITIONS.—Section 33(a) of the Federal Power Act (16 U.S.C. 823d(a)) is amended—

(1) in paragraph (1), by inserting “or an Indian tribe” before “deems a condition”;

(2) in paragraph (2), by inserting “or Indian tribe” after “the Secretary” each place it appears;

(3) in paragraph (3), by inserting “or Indian tribe” after “the Secretary” each place it appears;

(4) in paragraph (4)—

(A) by inserting “or Indian tribe” before “concerned shall submit”;

(B) by inserting “or Indian tribe” before “gave equal consideration”;

(C) by inserting “or Indian tribe” after “may be available to the Secretary”;

(D) by inserting “or Indian tribe” before “shall also submit,”; and

(E) by striking “available to the Secretary and relevant to the Secretary’s decision” and inserting “available to the Secretary or Indian tribe and relevant to the decision of the Secretary or Indian tribe”; and

(5) in paragraph (5)—

(A) by striking “Secretary’s final condition” and inserting “final condition of the Secretary or Indian tribe”;

(B) by inserting “or Indian tribe” after “consult with the Secretary”;

(C) by inserting “or Indian tribe” before “may accept the Dispute Resolution”;

(D) by inserting “or Indian tribe” after “advisory unless the Secretary”;

(E) by inserting “or Indian tribe” before “shall submit the advisory and”;

(F) by striking “Secretary’s final written determination” and inserting “final written determination of the Secretary or Indian tribe”.

SEC. 10. CONSIDERATION OF INVASIVE SPECIES.

Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by inserting after “the Secretary of Commerce.” the following: “In prescribing a fishway, the Secretary of Commerce or the Secretary of the Interior, as appropriate, shall consider the threat of invasive species.”.

The Acting CHAIR. Pursuant to House Resolution 607, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, I include in the RECORD letters of opposition to H.R. 3043.

KALISPEL TRIBE OF INDIANS,

Usk, WA, November 8, 2017.

Re Opposition to H.R. 3043, the Hydropower Policy Modernization Acts.

Hon. GREG WALDEN,
Chairman, House Energy and Commerce Committee, Washington, DC.

Hon. FRANK PALLONE,
Ranking Member, House Energy and Commerce Committee, Washington, DC.

DEAR CHAIRMAN WALDEN AND RANKING MEMBER PALLONE: On behalf of the Kalispel Tribe of Indians, we write to once again voice our opposition to H.R. 3043, the Hydropower Policy Modernization Act. As stated by Kalispel Vice Chairman Raymond Pierre during testimony before the House Natural Resources Committee in April, H.R. 3043 goes much too far in trying to address inefficiencies in the federal hydropower licensing process and will create more problems than it resolves. If enacted, H.R. 3043 will allow hydropower operations to undermine the purposes of Indian reservations and destroy with impunity tribal trust resources. We respectfully call on you to oppose this legislation.

The Kalispel Tribe resides on a 5,000-acre reservation on the Pend Oreille River in northeast Washington. Our reservation was created to provide our people with a permanent home, including the ability to use our river and its resources like we have since time immemorial. This purpose has been undermined by the construction and operation of the Albeni Falls, Box Canyon, and Boundary hydropower projects on the Pend Oreille River. The Box Canyon Reservoir flooded ten percent of our reservation. In addition, these facilities have combined to transform our free-flowing river into a fragmented system of reservoirs in which native fish struggle to survive while invasive species thrive. Many Kalispel no longer trust or use the river because of its altered ecology.

One of the Tribe’s highest priorities is limiting any additional loss of reservation lands

and remedying the cultural disconnection to the Pend Oreille River. The Federal Power Act (“FPA”) offers the Tribe its most potent tool in achieving these objectives. No other federal statute affords the same degree of protection to the tribal nations whose reservations are occupied by a Federal Energy Regulatory Commission (“FERC”)-licensed hydroelectric project.

Section 4 (e) of the FPA authorizes the Secretary of the Interior to develop mandatory conditions for the approval of FERC licenses that impact Indian reservations. In our case, these conditions are the only way to mitigate longstanding and otherwise unaddressed environmental and cultural impacts caused by FERC-licensed projects. The Pend Oreille Basin will be the recipient of significant conservation investments to restore connectivity and other habitat characteristics that make those projects consistent with the purposes of the Kalispel Indian Reservation because of the 4(e) conditions and Section 18 fishway prescriptions in the Box Canyon and Boundary FERC licenses. This conditioning authority also makes it much more difficult for hydroelectric projects to further flood Indian lands, which is a recurring problem across the United States.

H.R. 3043 does not improve the federal hydropower licensing process, but instead weakens its protections for impacted tribal nations. H.R. 3043 detrimentally impacts the Section 4(e) conditioning regime and undermines its effectiveness in protecting Indian Country. H.R. 3043 would overturn the D.C. Circuit Court of Appeals decisions in *Tacoma v. FERC*, which held that the Department of the Interior has mandatory authority to develop appropriate conditions to protect Indian reservations under the FPA and that FERC has no authority to reject these conditions because Interior did not meet FERC’s truncated schedule. H.R. 3043 would force the Department of the Interior to comply with FERC’s schedule. This change will impair the Department of the Interior’s ability to fully examine each project and if it misses a deadline, tribal interests will not be considered until the next relicensing, often fifty years later.

H.R. 3043 would empower FERC to determine the scope of the environmental review for 4(e) conditions. This change creates a new burden for FERC in an area in which it lacks expertise. It also would require the Department of the Interior to consider the balance of energy production against its trust responsibility to Indian lands. Interior’s only interest in the current process is the protection of Indian lands and that should remain its focus—it is not an arm of FERC.

Finally, H.R. 3043 would overturn the Supreme Court’s decision in *Escondido v. FERC*, 466 U.S. 765 (1984) by giving FERC the authority to make a determination that a 4(e) condition or fishway prescription is inconsistent with the FPA. This fundamentally changes the FPA and undermines the Department of the Interior’s ability to protect Indian lands and tribal resources.

The Kalispel Tribe urges the House of Representatives to reject H.R. 3043. The bill elevates hydropower interests at the expense of tribal rights. If this bill is enacted the Kalispel Tribe will suffer so that hydropower licensing may proceed without protecting tribal lands and trust resources.

Sincerely,

GLEN NENEMA,
Chairman, Kalispel Tribe of Indians.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 27, 2017.

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce,
Washington, DC.

Hon. FRED UPTON,
Chairman, Subcommittee on Energy,
Washington, DC.

DEAR CHAIRMAN WALDEN AND CHAIRMAN UPTON: As Members of the Subcommittee on Energy with strong interest in facilitating improvements in hydropower operations, development, and licensing, we write to urge you to schedule another hearing on this critical topic. We believe a hearing with representatives of states, resource agencies, and Native American Tribes is vital to having a full understanding of how the 2005 hydropower license process reforms are working and what changes may be necessary to further improve the licensing and relicensing process to reduce delays and costs for all parties involved.

Hydroelectric power provides substantial, virtually carbon-free, baseload energy at low cost to our manufacturing sector and to residential and commercial consumers. It is an important asset that we believe is essential to maintain.

At the same time, however, it is clear that while hydroelectric generation is essentially free of air emissions relative to fossil generation, it is not impact-free. Absent mitigation, hydropower has major negative impacts on fish and wildlife populations, water quality and other important physical and cultural resources, particularly if it is poorly operated or sited. In addition, increased demands for water creates significant challenges of water supply management in some regions. All of these competing interests must be balanced in issuing a license. The Federal Power Act (FPA) respects states' authorities to manage water resources according to state laws allocating water rights. And, the FPA authorizes states and federal natural resource agencies to place conditions on hydroelectric licenses to preserve water quality, protect public lands and Native American reservations, and ensure proper fish passage to preserve healthy ecosystems and fisheries.

We were very encouraged by the substance and tone of the Subcommittee's March 15, 2017 hearing entitled "Modernizing Energy Infrastructure: Challenges and Opportunities to Expanding Hydropower Generation." The comments and contributions from witnesses and Members on both sides of the aisle were constructive, measured, and thoughtful, leading us to believe that great potential exists to develop legislation to improve the process for licensing hydroelectric generation and pumped storage in this country.

However, the hearing provided an incomplete record with regard to the process of hydroelectric licensing. In order to move forward on considering any legislative changes to current law in a knowledgeable manner, the Committee must hear from those who propose the conditions included in licenses: states, federal resource agencies, and Native American Tribes. Each of these entities has a unique role in the licensing process stemming from its equally unique responsibility for overseeing water rights and managing the many demands on a river and its use. Neither power generation, nor any other single use of a river, should dominate the decision-making process.

We look forward to working with you on this matter and respectfully urge you to hold a second hearing with these witnesses prior to consideration of any legislative proposal.

Thank you for your attention and consideration.

Sincerely,

Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce; Bobby L. Rush, Ranking Member, Subcommittee on Energy; Jerry McNerney, Member of Congress; Scott Peters, Member of Congress; Gene Green, Member of Congress; Michael F. Doyle, Member of Congress; Kathy Castor, Member of Congress; John P. Sarbanes, Member of Congress; Peter Welch, Member of Congress; Paul Tonko, Ranking Member, Subcommittee on Environment; Dave Loebsack, Member of Congress; Joseph P. Kennedy III, Member of Congress; G.K. Butterfield, Member of Congress.

OCTOBER 5, 2017.

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

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

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: We are writing you on behalf of the members of The Association of Clean Water Administrators (ACWA), Environmental Council of States (ECOS), and The Association of State Wetland Managers (ASWM) to express our concern with provisions of H.R. 3043—Hydropower Policy Modernization Act of 2017. If enacted as written, the draft bill would modify Federal Energy Regulatory Commission (FERC) licensing requirements under the Federal Power Act, and may conflict with the states' authority under Section 401 of the Clean Water Act to protect water quality and provide critical input on federal dredge and fill permits to wetlands and other waters under §404.

Under the CWA and a state's own laws and regulations, states are responsible for advancing the attainment of clean and healthy waters. Section 401 of the CWA requires states to certify that projects impacting navigable waters will comply with applicable water quality standards and other state requirements. Additionally, 401 certification is required for federal dredge and fill permits to wetlands and other waters under Section 404. Under this framework, states and permittees have efficiently been able to balance certification of hydropower facilities while ensuring that water quality standards are met initially or through remedial actions. By weakening §401 authority, H.R. 3043 would harm the ability of the governmental entity with primary responsibility for water quality protection.

Additionally, H.R. 3043 places FERC in control of permitting timetables and limits time extensions. This could restrict states' abilities to gather necessary data and scientific studies for permitting, which are crucial to reaching collaborative, science-based conclusions. Rushing scientific studies and data gathering would result in federal agencies making regulatory decisions without sufficient technical information, and may lead to litigation and less effective oversight of hydropower facilities.

H.R. 3043 needlessly impairs state authority granted under the CWA, and undermines "cooperative federalism," a core principle of the Act and the Administration's approach to environmental law. The bill will not improve permitting efficiency, and will likely result in water quality standards being even harder to achieve. ACWA, ECOS and ASWM welcome the opportunity to discuss revisions that would better preserve states' rights under CWA Section 401 and ensure the protection of state water resources. Should you

have any additional questions, do not hesitate to contact us.

Sincerely,

ALEXANDRA DUNN,
Executive Director,
ECOS.

JULIA ANASTASIO,
Executive Director,
ACWA.

JEANNE CHRISTIE,
Executive Director,
ASWM.

MARYLAND DEPARTMENT OF
THE ENVIRONMENT,
Baltimore, MD, August 14, 2017.

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

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

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: The State of Maryland ("Maryland") provides the following comments on the House of Representatives Bill 3043 (H.R. 3043)—Hydropower Policy Modernization Act of 2017. Although Maryland generally welcomes reforms that streamline the Federal Energy Regulatory Commission (FERC) licensing process, Maryland strenuously opposes any provisions in H.R. 3043 that would have the effect of curtailing State authority under Section 401 of the Clean Water Act to establish license conditions to protect water quality. Several provisions of H.R. 3043 essentially serve to constrain state agencies use of their independent authorities, making it more difficult to protect water quality.

States serve an essential role in the FERC hydropower licensing process when they review applications under Section 401 of the Clean Water Act in order to determine whether the construction and/or operation of the facility will meet state water quality standards and requirements. These reviews often result in applicants conducting additional scientific studies and states putting in place requirements (conditions) to ensure that State water quality standards and requirement are met. These types of conditions are essential for ensuring that existing and new hydropower projects are built and operated in a manner that is consistent with state and federal environmental laws and are protective of the environment. These conditions then become conditions of the FERC license.

H.R. 3043 designates FERC as the lead agency over federal authorizations related to an application for a license, license amendment, or exemption for a hydropower project. This bill requires states to meet deadlines established by FERC in a schedule that FERC develops for the licensing action. Further, this bill places limits on FERC's ability to easily grant extensions to the deadlines. As the lead agency, FERC would establish and control the timeline for the hydropower licensing process and it appears that H.R. 3043 gives FERC the authority to create a schedule that would reduce the amount of time a state would have to get necessary scientific studies completed and to assess whether water quality standards and requirements will be met as required under Section 401 of the Clean Water Act. Further, not only does this legislation likely place pressure on states to complete their water quality reviews more quickly using existing information, it also provides applicants with an entitlement to a trial-type hearing before a FERC Administrative Law Judge whenever there is a dispute of material fact. Moreover, this legislation declares the decision of the FERC Administrative Law Judge to be final and not subject to further administrative review. This allowance for a trial-like hearing

combined with pressure to use existing science and meet strict deadlines together makes it even more challenging for states to protect water quality.

Finally, applications for amendments to existing licenses which qualify as a project "upgrade" (which is determined by FERC as to whether a proposed amendment qualifies as an upgrade) obtain even more expedited processing by FERC. In these cases, it appears that FERC would be the decision maker, not the state, with regard to whether the desired amendment to project operations would affect water quality.

Decades of federal court decisions interpreting Section 401 have established the states' authority to require conditions in FERC licenses necessary to protect water quality. These decisions recognize and affirm the basic principle of federalism embodied in the Clean Water Act that states have the primary role and responsibility to ensure state water quality standards are met.

Maryland's interest in protecting water quality is as important and relevant today as ever, particularly now as FERC considers the relicensing of the Conowingo hydroelectric dam on the Susquehanna River in Maryland. The Susquehanna River provides approximately 50 percent of the fresh water to the Chesapeake Bay and is an important driver of the Bay's water quality. A joint study funded by Maryland and the Army Corps of Engineers concluded that the Dam's loss of capacity to trap sediment and associated nitrogen and phosphorus pollution (nutrients) adversely affects the health of the Bay. The precise nature of the Dam's adverse impacts on the health of the Bay and the circumstances under which they occur are currently the subject of additional study. What is clear, however, is that any new FERC license for the Dam will have to contain appropriate conditions to address sediment and associated nutrient transport and ensure that Maryland's water quality standards are maintained. Without appropriate conditions Maryland may not be able to meet its commitment to achieve EPA's Total Maximum Daily Loads ("TMDL") for the Bay.

In impairing the states' primary roles and responsibilities under Section 401 to fashion conditions in FERC licenses, H.R. 3043 relegates the states—the entities with the greatest interest and expertise in protecting state water quality—to bystander or second-class status. Maryland strenuously objects to the provisions in H.R. 3043 that would make it more difficult for Maryland to ensure water quality through the Clean Water Act Section 401 water quality certification process.

Maryland's concerns with the legislation's impact on the Conowingo hydroelectric dam relicensing process could be addressed by making clear that nothing in the legislation alters Section 401 of the Clean Water Act with regard to State authority, role, responsibilities, process and timeline. Further, the legislation should clearly indicate that state actions associated with Section 401 requirements, including the assessment of water quality standard achievement and resulting conditions, are not eligible for a trial type hearing by a FERC Administrative Law Judge for purposes of resolving disputes of material fact. Maryland urges that the provisions of H.R. 3043 that would have the effect of curtailing State authority under Section 401 of the Clean Water Act be stricken from the bill.

We thank you for your time and attention to this matter.

Respectfully,

BEN GRUMBLES,
Secretary, Maryland
Department of the
Environment.

MARK BELTON,
Secretary, Maryland
Department of Natural
Resources.

Mr. RUSH. Mr. Chairman, I rise in strong support of the Rush amendment in the nature of a substitute, and I urge all of my colleagues to support it as well.

Mr. Chairman, hydropower is backed by Members on both sides of the aisle. We all support hydropower, but the process for how we license these projects is far too important for us to get it wrong.

While many Members on the minority side have objections to the underlying bill, H.R. 3043, due to its negative impact on States' rights and States' prerogatives under the Clean Water Act, my substitute amendment addresses these issues in a more responsible way.

Mr. Chairman, H.R. 3043 will not modernize or improve the hydropower licensing process, but, rather, it simply places private profits for industry over the public interest.

Mr. Chairman, we certainly need a more balanced approach, such as the one provided in my substitute amendment, which contains bipartisan provisions that were included in the hydropower package that both sides agreed to in a fit of bipartisanship last December in committee.

Mr. Chairman, my amendment contains several provisions to improve the licensing process while also offering incentives to the hydropower industry.

This substitute contains a requirement to set up a new licensing process, but, unlike H.R. 3043, it protects the rights of Federal resource agencies, States, and Indian Tribes to impose conditions in accordance with modern environmental laws.

My substitute also amends the definition of renewable energy to include all hydropower, just as H.R. 3043 does; however, it expands the goals for Federal purchasing of renewable power beyond the 15 percent included in H.R. 3043 as an objective, not a mandate.

Mr. Chairman, my amendment also contains a "reward for early action" provision that authorizes FERC to take into account a licensee's investments made over the course of their license in order to improve the efficiency or environmental performance of their hydropower facility when setting the term of their new license.

Mr. Chairman, in testimony before the Energy and Commerce Committee, we heard, repeatedly, that a major cause for licensing delays was due to incomplete applications that do not include all the pertinent information necessary to issue a decision.

While H.R. 3043 does nothing to address this issue, my substitute does so by directing FERC and other Federal resource agencies to convene a negotiating rulemaking with all the stakeholders to develop a process in which a completed license application will be evaluated and issued or denied within a period of not more than 3 years.

□ 1515

Mr. Chairman, my amendment preserves States' and Tribal authorities by directing FERC and the Secretary of the Interior to issue guidance on best practices for engagement with Indian Tribes in the hydropower licensing process.

Mr. Chairman, we cannot allow industry profits to supersede the interests of Native Tribes, States, and other important stakeholders.

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

Mr. UPTON. Mr. Chair, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment. I do so with some hesitancy against my good friend, but I would say that this amendment would strike and replace the base tax with language that would add additional layers of red tape and bureaucracy already to the permitting process.

The bill itself, H.R. 3043, contains essential permitting and licensing reforms to ensure that renewable hydropower remains an important part of our all-of-the-above approach to energy, something that many of us on both sides of the aisle support.

We know that the permitting process has been broken. We have heard from FERC over the years and project developers who have been stuck for more than a decade because of bureaucratic delays.

We also know that we need to improve coordination. There are lots of moving parts with multiple permits required and sometimes dozens of agencies that are involved, but this bill, H.R. 3043, brings transparency and predictability to the process by empowering the State and Federal agencies to actually sit at the table with FERC to identify issues of concern and resolve them before they result in unnecessary delay.

The bill, H.R. 3043, as we have said a number of times over the last hour, ensures that States and Tribes are an integral part of that process. The word "consult" appears no less than a dozen times in the 30 pages.

Without these important changes to the law, States and Tribes may continue to be left out of the important decisions relating to hydropower licensing.

Again, I remind my colleagues that this is a new provision that we added. This wasn't in the bill last year as we debated this title and approved it in committee and saw it move again on the Senate floor with a vote that, as I recall, was 92-8.

The bill, H.R. 3043, strikes a careful balance, which is why it has broad support from the American Council on Renewable Energy, the American Public Power Association, the Business Council for Sustainable Energy, Edison Electric Institute, International Brotherhood of Boilermakers, International

Brotherhood of Electrical Workers, International Federation of Professional and Technical Engineers, Large Public Power Council, Laborers' International Union of North America, National Electrical Contractors Association, the National Hydropower Association, the National Rural Electric Cooperative Association, the North American Building Trades Council, and the United Brotherhood of Carpenters and Joiners of America.

Mr. Chairman, this amendment, we view over here on this side as a poison pill. It would kill jobs and discourage the development of clean, affordable, and reliable hydropower.

Mr. Chair, I would urge my colleagues to vote "no" on this amendment and vote "yes" on the bill.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

Mr. UPTON. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DESANTIS) having assumed the chair, Mr. ESTES of Kansas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, had come to no resolution thereon.

RECESS

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

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULTGREN) at 4 o'clock and 30 minutes p.m.

HOUR OF MEETING ON TOMORROW

Mr. HILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

HYDROPOWER POLICY MODERNIZATION ACT OF 2017

The SPEAKER pro tempore. Pursuant to House Resolution 607 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3043.

Will the gentleman from Illinois (Mr. RODNEY DAVIS) kindly take the chair.

□ 1632

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, with Mr. RODNEY DAVIS of Illinois (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 4 printed in House Report 115-391, offered by the gentleman from Illinois (Mr. RUSH), had been postponed.

AMENDMENT NO. 4 OFFERED BY MR. RUSH

The Acting CHAIR. Pursuant to clause 6 of rule I, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 234, not voting 13, as follows:

[Roll No. 619]

AYES—185

- Adams Cole Gabbard
Aguilar Connolly Gallego
Barragan Conyers Garamendi
Bass Cooper Gomez
Beatty Correa Gonzalez (TX)
Bera Courtney Gottheimer
Beyer Crist Green, Al
Bishop (GA) Crowley Green, Gene
Blumenauer Cummings Grijalva
Blunt Rochester Davis (CA) Gutierrez
Bonamici Davis, Danny Hanabusa
Boyle, Brendan DeFazio Hastings
F. DeGette Heck
Brady (PA) Delaney Higgins (NY)
Brown (MD) Himes
Brownley (CA) DeLauro Hoyer
Bustos Demings Huffman
Butterfield DeSaulnier Jackson Lee
Capuano Deutch Jayapal
Carballo Dingell Jeffries
Cardenas Doggett Johnson (GA)
Carson (IN) Doyle, Michael Jones
Cartwright F. Kaptur
Castor (FL) Ellison Keating
Castro (TX) Engel Kelly (IL)
Chu, Judy Eshoo Kennedy
Cicilline Espaillat Khanna
Clarke (NY) Esty (CT) Kihuen
Clay Evans Kildee
Cleaver Foster Kilmer
Clyburn Frankel (FL) Kind
Cohen Fudge Krishnamoorthi

- Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsock
Lofgren
Lowenthal
Lowe
Lujan Grisham, M.
Lujan, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
Meeks
Meng
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sanchez
Sarbanes
Schultz
Schakowsky
Schiff
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (AK)

NOES—234

- 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
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Coiffin
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Estes (KS)
Farenthold
Faso
Ferguson
Fitzpatrick
MacArthur
Flores
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
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
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Moolenaar
Mooney (WV)
Newhouse
Noem
Norman
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
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
Schradler
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
Walker
Walorski
Walters, Mimi

Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOT VOTING—13

Bridenstine
Clark (MA)
Cuellar
Hurd
Johnson, E. B.

Johnson, Sam
Lawson (FL)
Mitchell
Pelosi
Pocan

Roybal-Allard
Scalise
Scott, David

□ 1654

Messrs. POSEY, WALBERG, HIGGINS of Louisiana, and LAHOOD changed their vote from “aye” to “no.”

Messrs. BEN RAY LUJÁN of New Mexico, PERLMUTTER, and GUTIERREZ changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LAWSON of Florida. Mr. Speaker, had I been present, I would have voted “yea” on rollcall No. 619.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COLLINS of Georgia) having assumed the chair, Mr. RODNEY DAVIS of Illinois, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3043) to modernize hydropower policy, and for other purposes, and, pursuant to House Resolution 607, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on passage of the bill will be followed by a 5-minute vote on suspending the rules and passing H.R. 3705.

The vote was taken by electronic device, and there were—ayes 257, noes 166, not voting 9, as follows:

[Roll No. 620]

AYES—257

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
Boyle, Brendan
F.
Brady (PA)
Brady (TX)
Brat
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Byrne
Calvert
Cárdenas
Carter (GA)
Carter (TX)
Chabot
Cheney
Coffman
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Correa
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Doyle, Michael
F.
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Españat
Estes (KS)
Evans
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen

Gaetz
Gallagher
Garrett
Gianforte
Gibbs
Gohmert
Gonzalez (TX)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guthrie
Handel
Harper
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
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
Loeb sack
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McNerney
McSally
Meadows
Meehan
Messer
Moolenaar
Mooney (WV)
Mullin
Newhouse

Noem
Nolan
Norcross
Norman
Nunes
Olson
Palazzo
Palmer
Panetta
Paulsen
Pearce
Perry
Peters
Peterson
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
Ryan (OH)
Sanford
Schrader
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Torres
Trott
Turner
Upton
Valadao
Veasey
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams

Wilson (SC)
Wittman
Womack

Woodall
Yoder
Yoho

Young (AK)
Young (IA)
Zeldin

NOES—166

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Carbajal
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly
Conyers
Cooper
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Ellison
Engel
Eshoo
Russell
Esty (CT)
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez

Gottheimer
Green, Al
Grijalva
Gutiérrez
Hanabusa
Harris
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Jones
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
Loftgren
Lowenthal
Lowe
Lujan Grisham,
M.
Luján, Ben Ray
Lynch
Maloney,
Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)

Nadler
Napolitano
Neal
O'Halleran
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Ruiz
Ruppersberger
Rush
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Serrano
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Loftgren
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Bridenstine
Clark (MA)
Cuellar

Hurd
Johnson, E. B.
Mitchell

Pocan
Roybal-Allard
Scalise

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1702

Messrs. FERGUSON and VELA changed their vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HURD. Mr. Speaker, I was unable to vote on the bills and subsequent amendments due to travel to Sutherland Springs, Texas, to meet with the victims, their families, and the first responders of the attack that took place on November 5th, 2017. Had I been present, I would have voted “yea” on rollcall No. 616, “yea” on rollcall No. 617, “yea” on rollcall No. 618, “nay” on rollcall No. 619, and “yea” on rollcall No. 620.

VETERANS FAIR DEBT NOTICE
ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3705) to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 621]
YEAS—422

Abraham	Cole	Gaetz
Adams	Collins (GA)	Gallagher
Aderholt	Collins (NY)	Gallego
Aguiar	Comer	Garamendi
Allen	Comstock	Garrett
Amash	Conaway	Gianforte
Amodi	Connolly	Gibbs
Arrington	Conyers	Gohmert
Babin	Cook	Gomez
Bacon	Cooper	Gonzalez (TX)
Banks (IN)	Correa	Goodlatte
Barletta	Costa	Gosar
Barr	Costello (PA)	Gottheimer
Barragan	Courtney	Gowdy
Barton	Cramer	Granger
Bass	Crawford	Graves (GA)
Beatty	Crist	Graves (LA)
Bera	Crowley	Graves (MO)
Bergman	Culberson	Green, Al
Beyer	Cummings	Green, Gene
Biggs	Curbelo (FL)	Griffith
Billirakis	Davidson	Grijalva
Bishop (GA)	Davis (CA)	Grothman
Bishop (MI)	Davis, Danny	Guthrie
Bishop (UT)	Davis, Rodney	Gutiérrez
Black	DeFazio	Hanabusa
Blackburn	DeGette	Handel
Blum	Delaney	Harper
Blumenauer	DeLauro	Harris
Blunt Rochester	DelBene	Hartzler
Bonamici	Demings	Hastings
Bost	Denham	Heck
Boyle, Brendan	Dent	Hensarling
F.	DeSantis	Herrera Beutler
Brady (PA)	DeSaulnier	Hice, Jody B.
Brady (TX)	DesJarlais	Higgins (LA)
Brat	Deutch	Higgins (NY)
Brooks (AL)	Hill	Hill
Brooks (IN)	Dingell	Himes
Brown (MD)	Doggett	Holding
Brownley (CA)	Donovan	Hollingsworth
Buchanan	Doyle, Michael	Hoyer
Buck	F.	Hudson
Bucshon	Duffy	Huffman
Budd	Duncan (SC)	Huizenga
Burgess	Duncan (TN)	Hultgren
Bustos	Dunn	Hunter
Butterfield	Ellison	Issa
Byrne	Emmer	Jackson Lee
Calvert	Engel	Jayapal
Capuano	Eshoo	Jeffries
Carbajal	Españillat	Jenkins (KS)
Cárdenas	Estes (KS)	Jenkins (WV)
Carson (IN)	Esty (CT)	Johnson (GA)
Carter (GA)	Evans	Johnson (LA)
Carter (TX)	Farenthold	Johnson (OH)
Cartwright	Faso	Johnson, Sam
Castor (FL)	Ferguson	Jones
Castro (TX)	Fitzpatrick	Jordan
Chabot	Fleischmann	Joyce (OH)
Cheney	Flores	Kaptur
Chu, Judy	Fortenberry	Katko
Cicilline	Foster	Keating
Clarke (NY)	Foxo	Kelly (IL)
Clay	Frankel (FL)	Kelly (MS)
Cleaver	Franks (AZ)	Kelly (PA)
Clyburn	Frelinghuysen	Kennedy
Coffman	Fudge	Khanna
Cohen	Gabbard	Kihuen

Kildee	Napolitano
Kilmer	Neal
Kind	Newhouse
King (IA)	Noem
King (NY)	Nolan
Kinzinger	Norcross
Knight	Norman
Krishnamoorthi	Nunes
Kuster (NH)	O'Halleran
Kustoff (TN)	O'Rourke
Labrador	Olson
LaMalfa	Palazzo
Lamborn	Pallone
Lance	Palmer
Langevin	Panetta
Larsen (WA)	Pascrell
Larson (CT)	Paulsen
Latta	Payne
Lawrence	Pearce
Lawson (FL)	Pelosi
Lee	Perlmutter
Levin	Perry
Lewis (GA)	Peters
Lewis (MN)	Peterson
Lieu, Ted	Pingree
Lipinski	Pittenger
LoBiondo	Poe (TX)
Loeb sack	Poliquin
Lofgren	Polis
Long	Posey
Loudermilk	Price (NC)
Love	Quigley
Lowenthal	Raskin
Lowe y	Ratcliffe
Lucas	Reed
Luetkemeyer	Reichert
Lujan Grisham,	Renacci
M.	Rice (NY)
Lujan, Ben Ray	Rice (SC)
Lynch	Richmond
MacArthur	Roby
Maloney,	Roe (TN)
Costa	Rogers (AL)
Maloney, Sean	Rogers (KY)
Marchant	Rohrabacher
Marino	Rokita
Marshall	Rooney, Francis
Massie	Rooney, Thomas
Mast	J.
Matsui	Ros-Lehtinen
McCarthy	Rosen
McCaul	Roskam
McClintock	Ross
McCollum	Rothfus
McEachin	Rouzer
McGovern	Royce (CA)
McHenry	Ruiz
McKinley	Ruppersberger
McMorris	Rush
Rodgers	Russell
McNeerney	Rutherford
McSally	Ryan (OH)
Meadows	Sánchez
Meehan	Sanford
Meeks	Sarbanes
Meng	Schakowsky
Messer	Schiff
Moolenaar	Schneider
Mooney (WV)	Schrader
Moore	Schweikert
Moulton	Scott (VA)
Mullin	Scott, Austin
Murphy (FL)	Scott, David
Nadler	Sensenbrenner

NOT VOTING—10

Bridenstine	Johnson, E. B.	Roybal-Allard
Clark (MA)	LaHood	Scalise
Cuellar	Mitchell	
Huerr	Pocan	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1709

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Serrano	Smith (MO)
Sessions	Smith (NE)
Sewell (AL)	Smith (NJ)
Shea-Porter	Smith (TX)
Sherman	Smith (WA)
Shimkus	Smucker
Shuster	Soto
Simpson	Speier
Sinema	Stefanik
Sires	Stewart
Slaughter	Stivers
Smith (MO)	Suozzi
Smith (NE)	Swalwell (CA)
Smith (NJ)	Takano
Smith (TX)	Taylor
Smith (WA)	Tenney
Smucker	Thompson (CA)
Soto	Thompson (MS)
Speier	Thompson (PA)
Stefanik	Thornberry
Stewart	Tiberi
Stivers	Tipton
Suozzi	Titus
Swalwell (CA)	Tonko
Takano	Torres
Taylor	Trott
Tenney	Tsongas
Thompson (CA)	Turner
Thompson (MS)	Upton
Thompson (PA)	Valadao
Thornberry	Vargas
Tiberi	Veasey
Tipton	Vela
Titus	Velázquez
Tonko	Visclosky
Torres	Wagner
Trott	Walberg
Tsongas	Walden
Turner	Walker
Upton	Walorski
Valadao	Walters, Mimi
Vargas	Walz
Veasey	Wasserman
Vela	Schultz
Velázquez	Waters, Maxine
Visclosky	Watson Coleman
Wagner	Weber (TX)
Walberg	Webster (FL)
Walden	Welch
Walker	Wenstrup
Walorski	Westerman
Walters, Mimi	Williams
Walz	Wilson (FL)
Wasserman	Wilson (SC)
Schultz	Wittman
Waters, Maxine	Womack
Watson Coleman	Woodall
Weber (TX)	Yarmuth
Webster (FL)	Yoder
Welch	Yoho
Wenstrup	Young (AK)
Westerman	Young (IA)
Williams	Zeldin
Wilson (FL)	
Wilson (SC)	
Wittman	
Womack	
Woodall	
Yarmuth	
Yoder	
Yoho	
Young (AK)	
Young (IA)	
Zeldin	

Mr. HURD. Mr. Speaker, I was unable to vote on the bills and subsequent amendments this afternoon due to travel to Sutherland Springs, Texas, to meet with the victims, their families, and the first responders of the attack that took place on November 5th, 2017. Had I been present, I would have voted "yea" on rollcall No. 621.

PERSONAL EXPLANATION

Mr. SCALISE. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 619, "yea" on rollcall No. 620, and "yea" on rollcall No. 621.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H. RES. 576

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 576.

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

There was no objection.

CELEBRATING 50TH ANNIVERSARY
OF MCHENRY COUNTY COLLEGE

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

Mr. HULTGREN. Mr. Speaker, I rise today to congratulate McHenry County College on their 50 years of service to our community and State.

Since April 1967, MCC administration, faculty, staff, and trustees have demonstrated unparalleled commitment to their students through quality degree and certificate programs.

Through the college, the community is provided a diverse and relevant array of enrichment and lifelong learning opportunities; everything from advanced manufacturing, engineering, and healthcare to fine arts, the humanities, continuing education and training, and everything in between.

I commend the college, led by President Dr. Clint Gabbard, for its continued focus on student success, innovation, and contribution toward the community's economic development.

True to its goal of student success, the college has been ranked among the top 150 community colleges in the Nation and scores in fourth place in the State for student success rates and affordability.

From visiting and hosting numerous congressional events at MCC, I am always impressed by the extraordinary efforts and commitment of McHenry County College faculty and staff.

Congratulations, McHenry County College, on your 50th anniversary.

VETERANS DAY

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

Mr. LANGEVIN. Mr. Speaker, this Saturday is Veterans Day, a day to reflect on the bravery and the commitment of our servicemembers and to

thank them for their dedication to our Nation.

From the Greatest Generation who served in World War II to the veterans who traversed the harsh jungles of Vietnam, to the young people who took up the banner and persisted in the fight against terrorism in Afghanistan and in Iraq, we owe our veterans an endless debt of gratitude.

It is our responsibility to provide for our servicemembers when they heed the call to serve, as well as to care for them when they return home.

Mr. Speaker, we must fulfill our promises to our veterans and deliver on the promises, the benefits that they have earned. We need to make sure that we end veterans' homelessness. Whether it be ensuring timely access to quality healthcare, enabling the pursuit of educational opportunities, or providing the tools to start their own business, let us reaffirm to our veterans that they will have the support and the services that they need following their service.

To all our veterans, thank you for your service. May God bless you, and may God continue to bless the United States of America.

□ 1715

RECOGNIZING WEST LUTHERAN HIGH SCHOOL FOR PATRIOTISM

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

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the patriotism of West Lutheran High School in Plymouth, Minnesota, and their annual Veterans Day celebration.

Every day, the students at West Lutheran recite the Pledge of Allegiance, even when they did not have enough flags for their classrooms. So the senior American Government class raised \$1,200 to purchase flags that will honor their alumni who have answered the call to serve in uniform.

The West Lutheran Veterans Day ceremony is now a central part of life in the Plymouth community, and every year they recognize contributions and sacrifices made by those in uniform. This year, veterans will be treated to breakfast, the music of the West Lutheran band, and remarks by Tom Warren, Sr., a veteran of the U.S. Army and Operation Desert Storm.

So, Mr. Speaker, I commend the West Lutheran community for keeping this tradition alive, and I also thank our veterans for the selfless acts of courage that keep our country safe.

THE STATE OF AMERICA'S VOTING INFRASTRUCTURE

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

Mr. PAYNE. Mr. Speaker, 17 years ago, the United States began a 2-

month-long crash course in voting machines and election infrastructure. The 2000 Presidential election opened our eyes to the fact that voting equipment in most places was out-of-date and unsafe.

We didn't learn the lessons of 2000, and in 2017, America's election infrastructure remains in a bad state. We must act immediately.

First, we need to help all local and State governments replace their outdated paperless machines with more secure systems.

Second, we need to require post-election audits of all paper records to make sure that the results tabulated by voting machines have not been hacked.

Third, we need to help election officials at the local level upgrade their database and election infrastructure to protect against all cyber attacks.

Mr. Speaker, I urge my colleagues to join me in supporting all efforts to modernize and protect our voting infrastructure and legislation dealing with cyber attacks.

CELEBRATING MONTANA'S STATEHOOD

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

Mr. GIANFORTE. Mr. Speaker, I rise today to pay tribute to a special place: Montana.

From our snowcapped mountains to our nearly endless prairies, Montana is an awe-inspiring place of tremendous beauty. We call it Big Sky Country, the Treasure State, the Last Best Place, and we call it home.

When Montana first became a territory in 1864, it was the Wild West. Prospectors, cattle ranchers, and settlers overcame scorching sun and blistering cold to establish our Nation's 41st State.

But there is something even more special than the beauty of an eastern Montana sunset or being knee-deep in a crystal-clear mountain stream. It is the people of Montana. Montanans are kind, warm, generous, and hard-working people.

On November 8, 1889, our special place became part of something even more special, the land of the free and the home of the brave. Today, Montanans celebrate the 128th anniversary of our statehood.

OUR MILITARY OPERATIONS IN NIGER

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

Ms. LEE. Mr. Speaker, I rise today to sound the alarm about our military operations in Niger.

On October 4, four U.S. Army Special Operations Forces were tragically killed on a mission in Niger. My deep-

est condolences to the families of these fallen heroes.

This is a mission, Mr. Speaker, which Congress still knows nothing about. And as recently as last week, Secretaries Tillerson and Mattis testified before the Senate Foreign Relations Committee on this tragedy. But one question remains unanswered: Why were our servicemembers in Niger?

It is outrageous that Congress has been left in the dark about these operations. At a minimum, we should have some basic knowledge of the missions we are asking servicemembers to risk their lives for.

Myself and others sent a bipartisan letter to the administration demanding that President Trump seek authorization ahead of any future military operations in Niger.

It is not just Niger. Speaker RYAN needs to stop blocking a debate and vote on these ongoing wars. The people deserve answers.

What is the holdup, Mr. Speaker? What are you afraid of? Why don't you want the American people to know?

Congress, yes, is missing in action. We owe it to our servicemembers and our constituents to have a debate and a vote on these ongoing wars. Congress needs to do its job.

RECOGNIZING COLONEL BEN MARGOLIUS AND MR. AL EATON, FOUNDERS OF THE SOUTHERN TIER VETERANS SUPPORT GROUP

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

Ms. TENNEY. Mr. Speaker, I rise today to recognize Colonel Ben Margolius and Mr. Al Eaton, founders of the Southern Tier Veterans Support Group.

Ben is a veteran of the Army, serving as the chief of joint operations for the U.S. Transportation Command and holding leadership positions at USCENTCOM, USEUCOM, and USTRANSCOM.

Al is a veteran of the Navy and, like my son, a graduate of the U.S. Naval Academy, having served as a naval flight officer on P-3 Orions, performing antisubmarine warfare and surface surveillance missions.

After their military service, Ben and Al saw a great need to provide help to veterans where other agencies could not. This started informally, with Ben and Al getting donations and support where they could, until the Southern Tier Veterans Support Group was formed officially in August of 2011.

Today, Ben and Al's work has brought over 70 community partners together to assist veterans and their families, with 425 veterans receiving \$65,000 in assistance since 2016.

Thank you, Ben and Al, for your service and for all that your organization has done to help our veterans.

Go Navy.

Go Army.

TAX REFORM AND CUTS TO THE WORK OPPORTUNITY TAX CREDIT

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

Mr. MCEACHIN. Mr. Speaker, today, I rise against H.R. 1, the so-called Tax Cuts and Jobs Act, and its effects on our veterans.

H.R. 1 would cut the successful work opportunity tax credit, a Federal credit available for employers to incentivize them to hire veterans.

In 2016, there were 453,000 veterans that were unemployed nationwide—16,000, alone, in Virginia.

Mr. Speaker, today, on their behalf, I call on my Republican colleagues to find solutions that do not sacrifice those who have sacrificed enough.

House Republicans have suggested that the work opportunity tax credit, at a cost of \$1 billion, is simply too expensive to keep in place. However, I cannot help but wonder why the same is not said about repealing the estate tax, a \$269 billion tax cut for the wealthy.

My Democratic colleagues and I are taking a different approach by founding the Reinvesting in Our Returning Heroes Task Force. Instead of hurting, we are helping veteran businessowners and veterans who need jobs.

Mr. Speaker, my father is buried in Arlington. He was a Korean war veteran. He said that the American GI only asked of his country what he was prepared to give, and that is his best.

Mr. Speaker, this tax cut is not our best.

CONGRATULATING MICHAEL FIRESTINE ON RECEIVING BRUNING AWARD

(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, I rise today to congratulate Michael Firestine as he receives the prestigious Bruning Award from the American Bankers Association Center for Agricultural and Rural Banking.

Mike Firestine's leadership and outstanding dedication to providing credit and financial guidance to farmers, ranchers, and rural businesses is well known in the Commonwealth of Pennsylvania. He has been an agricultural banker with the same bank for more than 35 years.

Mike began his ag banking career in 1978, with the Lebanon National Valley Bank, which later merged with Fulton Bank, where Mr. Firestine is currently a senior vice president.

Over the course of his career, Mike has helped scores of young farmers establish themselves in the industry. His counsel and advice propelled many to success.

In many ways, Mike has stayed true to his roots. He was born and raised in a small town in Pennsylvania, where his grandfather was a dairy farmer. He runs a family farm, where he produces pumpkins and other crops and raises Hereford cattle.

Mr. Speaker, it is an honor to recognize Mike Firestine on this tremendous achievement and an outstanding career in agriculture.

GUN VIOLENCE

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

Mr. SCHNEIDER. Mr. Speaker, here we are again, mourning the senseless loss of life from yet another terrible mass shooting.

Last Sunday, at their church in Texas, 26 more Americans were cut down by a gunman. The oldest was 77 years old. The youngest was 17 months old.

This is just a few weeks after Las Vegas endured the deadliest shooting in our country's history and in the backdrop of ongoing violence in cities, towns, and homes across the country that claims an average of 93 lives each and every day.

The response from this Chamber is deafening silence.

Mr. Speaker, how can we face this epidemic without even a debate?

I am open to any commonsense idea to make progress on this issue, from universal background checks to limiting access to high-capacity magazines and military-style assault weapons.

I have introduced legislation to help prevent theft from the Federal Firearm Licensees, expand background checks, and close purchase monitoring loopholes.

I know there is no one single solution, but we cannot allow this epidemic to continue without even a discussion on what we can do. Together, we have the opportunity to save lives.

I urge my colleagues to act.

HONORING VETERANS DAY

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

Mr. PALAZZO. Mr. Speaker, I rise today to recognize America's veterans.

Saturday is Veterans Day, a time to recognize our bravest men and women who answered the call to defend our great Nation against our enemies. Words are not enough to say thank you for everything you have endured and sacrificed on America's behalf.

As a fellow veteran, and on behalf of the good families of Mississippi's Fourth Congressional District, I want to convey my appreciation to you and your families.

Many of us have seen the perils of war and conflict. Many have been in-

jured in the line of duty, and many have paid the ultimate sacrifice before the altar of freedom.

Because of this display of sacrifice, future generations may enjoy the blessings of what our country stands for: the right to life, liberty, and the pursuit of happiness. I am proud to have had the opportunity to serve alongside such brave men and women.

So, veterans, we are a free nation because of the bravery of you and your families. Happy Veterans Day, and God bless you.

GOP TAX PLAN

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

Mr. LOWENTHAL. Mr. Speaker, I rise to join the chorus of Americans across the country who are gravely concerned about the reckless Republican tax plan.

Middle class families in my district know that this plan won't help to get them ahead, and it is not because they are doing the math wrong. The plan throws a buffet full of enormous tax cuts for multinational corporations and billionaire real estate investors, and it leaves hardworking families to fight for table scraps.

Tens of millions of middle class families will ultimately face a tax hike, and the repeal of the State and local deduction raises taxes on many families in my district in California.

For example, in Orange County, my constituents deduct an average of \$6,500 a year using the SALT provision. This proposal sends them a bill.

Republicans are asking my constituents to pay more, only to let companies that expand overseas pay less. That simply doesn't make sense.

I urge all of my colleagues, especially my neighbors in California, to reject this tax hike on middle class families.

□ 1730

THANKING OUR VETERANS

(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 rise tonight to recognize and thank our veterans. We will all be doing that this coming Saturday on Veterans Day. They sacrificed so much and we are so glad to have them here to be able to celebrate and thank them.

I recommend that everybody please take part in the events that you have in your community. Go to the parades, go to the barbecues, and take a minute to thank a veteran.

Things we can do around here as legislators are like we did this week with several pieces of legislation, helping veterans with VA so that they would have more access for telemedicine, which makes technology more available and provides better doctors for diagnosing veterans and giving them what they need.

The VICTOR Act considers the travel veterans have to take to go for transplants. Wouldn't it be better for them to be closer to home instead of traveling long distances so they and their families can get the care they need and have the access they need locally?

Lastly, I will mention the Veterans Crisis Line Study Act. When a veteran is in crisis, when a veteran is contemplating suicide, as happens so much these days—20, 22 veterans per day giving up—we need to have the Veterans Crisis Line Study Act in place to better modify the crisis line to be effective for them; so that there is someone there so they can have immediate help to get through that time.

These are some of the things we can do for veterans as we wish them a happy Veterans Day and thank them for their service. God bless them.

AMERICAN PEOPLE DESERVE A BETTER DEAL

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

Mr. CICILLINE. Mr. Speaker, they are at it again. Corporate lobbyists and billionaires are spending whatever it takes to get their way in this town and avoid paying their fair share in taxes. Meanwhile, working people who play by the rules are getting crushed by healthcare costs, childcare expenses, housing payments, and student loan debt.

What is the Republican solution for this problem?

A \$1.5 trillion tax cut for millionaires and billionaires, and a tax increase for tens of millions of hardworking families.

This bill is a scam. Republicans are throwing a wealthy five-star banquet for the wealthy and well connected, and saving a few crumbs that fall from the table for the hardworking middle class.

Democrats know that American people deserve a better deal. That is why we are fighting to build an economy that ensures better jobs, better wages, and a better future; create 10 million new full-time, good-paying jobs; invest in rebuilding our crumbling roads, bridges, and schools; lower costs for everything from prescription drugs to childcare; and break up corporate monopolies that are raising costs and reducing choices for working families.

Republicans might be fine with the status quo that benefits the wealthy and powerful special interests. We know the American people deserve better—better jobs, better wages—for a better future.

RECOGNIZING DONALD AND SHARON CAMPBELL

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

Mr. FASO. Mr. Speaker, today I rise to thank Donald and Sharon Campbell,

who have actively volunteered for more than a dozen years at the Valatie Ecumenical Food Pantry, a ministry of the Ichabod Crane Clergy Association in Columbia County.

With Don serving as chairman from 2006 to 2017, the leadership of these two honorable individuals has enabled the food pantry to serve hundreds of families in northern Columbia County. Utilizing grants, community donations, local farms and markets, the Campbells have truly supported their less-fortunate neighbors, enabling those folks to better support their families and loved ones.

Don and Sharon's efforts extend beyond the food pantry, aiding many other charitable pursuits in our community. We thank them as well as the volunteers of the Valatie Ecumenical Food Pantry for their gracious service to our Columbia County community.

THANKING ALL VETERANS

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

Mr. CORREA. Mr. Speaker, all gave some, and some made the ultimate sacrifice. This Saturday is Veterans Day, a day we pause to honor the brave men and women from our communities who have served our country. Veterans represent the best in America. Veterans embody loyalty and honor by always putting their fellow soldiers and country before themselves.

Veterans prove this determination in getting the mission done. This country has made a promise to every person who puts on that uniform. You stand for us, and we will stand for you. Their mission was protecting us. Our mission in Congress is to protect them.

To all of our vets, thank you for your service. Thank you for serving our country.

DOJ FALSE CLAIMS ACT ISSUE

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

Mr. SESSIONS. Mr. Speaker, I rise today to call on the Department of Justice to impose a moratorium on its practice of using the False Claims Act to demand settlements from America's mortgage brokers for perceived violations in the loans these lenders made under the Federal Housing Authority's mortgage insurance program.

Simply put, intentional efforts to defraud the Federal Government should be prosecuted and pursued to the fullest extent of the law. However, as the FHA has worked to provide further clarification on the law, the Department of Justice has, unfortunately, focused their efforts on attacking honest mortgage brokers, lenders, and first-time home buyers for infractions as small as a clerical error or a small technical mistake.

The FHA, in conjunction with HUD, is close to finalizing a taxonomy that

would allow for a specific and transparent penalty to be imposed for a specific violation of the FHA application loan process. But as Brian Montgomery, the nominee to be Assistant Secretary for Housing, told the Senate Banking Committee last week, the Department of Justice has stepped in front of the FHA. We should correct this circumstance.

PEOPLE VOTED BASED ON PRINCIPLES

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

Ms. JACKSON LEE. Mr. Speaker, yesterday, I got buoyed in a little dance step in my walk, not because of partisan politics, but because people in America voted. They voted throughout the Nation and they made sizeable changes, not even on partisan politics, but what I love, about principles. Principles of rejecting divisiveness, the misinterpretation of the Constitution, and the wonderment of this Nation is what these voters stood for.

I also believe they recognize that they wanted direction that really worked for them. If we pass the tax bill, they didn't want it to be a tax scam where millions of middle class Americans would pay an increase in taxes or they couldn't deduct their medical expenses or student interest rates.

The vote yesterday was for a new direction, not for any of us to take it for granted, but for us to recognize that it is time now for the American people to lead. I am so grateful for the democracy of this Nation and for the values of the American people. They made a difference yesterday. Thank you for voting.

POLAND CELEBRATES 99TH ANNIVERSARY OF INDEPENDENCE

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

Ms. KAPTUR. Mr. Speaker, on November 11 in this year of 2017, the nation of Poland will celebrate its 99th anniversary of independence.

To commemorate this historic event as well as to recognize the values the United States and Poland have shared since the 1700s, I rise along with my fellow co-chairs of the House Poland Caucus to introduce this bipartisan resolution.

As early as 1791, Poland adopted the first constitution in Europe based on America's Democratic principle of liberty. Poland became the first nation in Europe to outlaw serfdom. As a result, Poland was tragically removed from the map of Europe for over a century-and-a-quarter, divided and split between three imperial powers: Russia, Prussia, and the Austro-Hungarian Empire.

Nevertheless, valiant Poles did not give up their values, but they kept

alive the free spirit of Poland during foreign occupation and tyranny for a century-and-a-quarter. Then, in 1918, with the help of President Woodrow Wilson following World War I, they triumphed in bringing their nation back onto the map of Europe in the form of a republic.

Today, American and Polish military cooperation through NATO is critical to defending the spirit of liberty. Let this resolution serve to reaffirm the close bonds between our two great nations.

ENCOURAGE CONSTITUENTS TO SIGN UP FOR A HEALTH PLAN

(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, in Burien, Washington, tomorrow, we will be holding an event to provide constituents information on signing up for healthcare coverage under the Affordable Care Act.

With open enrollment season beginning last week, I want to make sure that residents of our district know that they have until December 15 to sign up. And while the Republican majority has been undermining the ACA at every turn, the numbers that are coming in tell a completely different story about how important this act is for thousands of Americans across the country.

More than 200,000 Americans chose a plan on the first day of open enrollment, which is more than double last year. This is all on top of the more than 1 million people who visited healthcare.gov, the official Federal website; a one-third increase in traffic from 2016.

Mr. Speaker, our State exchange in Washington State has reported a 19 percent increase in visits from last year. The surge in enrollment is promising and it is a clear repudiation of the Republican's efforts to strip healthcare from millions across the Nation.

Mr. Speaker, I urge my colleagues to spread the word about how their constituents can get covered.

PROVIDE MORE FOR FEMALE VETERANS

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

Ms. GABBARD. Mr. Speaker, female veterans represent the military's fastest-growing population with an estimated 2.2 million women, including 14,000 in my home State of Hawaii, who have served our country. Yet, when these women come home or transition to civilian life, they are still facing a VA that was created by and for men and is ill-equipped to understand and serve their unique needs.

Women veterans have lower rates of access to the VA than men, but face higher rates of post-traumatic stress

disorder, military sexual assaults, unemployment, and homelessness. We have a responsibility to take care of all of our veterans when they return home, and to make sure that they are getting the best care and benefits that they have earned and deserve.

In recognition of Veterans Day, we must fix this and pass the Deborah Sampson Act to eliminate barriers and improve quality of care and services, and empower our female veterans alongside our male veterans.

I urge all of my colleagues to pass this legislation to address the glaring gender disparities at the VA and to ensure that our women veterans receive the services that they have earned and deserve.

BILLIONAIRES-FIRST TAX BILL

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

Mr. NORCROSS. Mr. Speaker, I am here to speak about the Republican's billionaires-first tax bill.

Mr. Speaker, the Tax Policy Center determined they will raise taxes for approximately 38 million middle class households. Americans agree that we need more jobs, higher wages, and lower taxes. But the Republican bill rewards billionaires, prioritizes corporate profits, and hurts working families.

It is welfare for the wealthy paid for by the hardworking middle class American. It fails the President's own Trump test, which says their tax plan would not benefit the wealthiest of us. Guess what. It does.

Worst of all, New Jersey families suffer the most. The bill guts the critical State and local tax deduction. That means one-fourth of all New Jerseyans will be paying more taxes.

Why should billionaires receive tax relief instead of New Jersey's middle class families?

Americans must reject this billionaires-first, bloated, backwards bill. It will do nothing to raise wages or bring real relief for working families.

□ 1745

PUBLIC HOUSING IMPERATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from New York (Mr. ESPAILLAT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. ESPAILLAT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. ESPAILLAT. Mr. Speaker, I stand here today to shed light and to

put a face on an imperative issue, the imperative issue of affordable housing. I am here representing neighborhoods like Marble Hill, Inwood, Washington Heights, Hamilton Heights, Morningside Heights, Harlem and east Harlem, and the northwest Bronx.

Public housing and public housing capital funding is imperative for many of my constituents. Just to shed some light on the magnitude of this problem, Mr. Speaker, in the 13th Congressional District, there are 62 housing developments—62 public housing developments.

There are a total of 340 buildings, and, within those buildings, there are 34,609 apartments where families live; so 62 housing developments out of 326 for the entire city of New York, 340 buildings out of 2,462 buildings in the city of New York, and 34,609 apartments out of 176,692 apartments across the city of New York.

In fact, Mr. Speaker, public housing houses over 400,000 residents. It is larger than many cities in many States across the Nation, and public housing capital funding is imperative and necessary for my constituents.

Not only do these residents rely on stable, affordable housing to stay close to their families and be near their jobs and schools, but our city relies on these residents who are also teachers, home healthcare workers, caregivers, and taxi drivers. They run our city. In fact, they are an integral part of the economic engine of the city. They are part of our local economy. They fuel our economy on a daily basis. Mr. Speaker, these folks really represent the economic engine of New York City.

As you will hear from my colleagues, affordable housing—public housing—and its residents are under threat. After a decade of funding reductions, the President's administration made one thing clear: they plan to drastically accelerate funding reductions for HUD. This turns that housing agency, essentially, into an absentee landlord, into a slumlord, if you will, administering public housing developments across the country that are in decrepit and seriously embarrassing conditions.

The administration's fiscal year 2018 budget proposal revealed a \$7.6 billion cut, almost a 20 percent cut to HUD, and a two-thirds cut to public housing capital needs.

Now, New York City has a need of \$17 billion to do point work, roof work, boiler work, and elevator work to improve the quality of life of the residents of these housing developments. Yet the administration has proposed a \$7.6 billion cut. This is a national crisis, an affordable housing national crisis.

We have Members from California to Texas to New York who all believe that affordable housing should be at the forefront of our progressive priority. It is a fundamental cornerstone of the American Dream that we cannot afford to let slip away.

Mr. Speaker, I yield to the distinguished gentlewoman from the State of Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, let me give my greatest appreciation to the gentleman from New York, who will remain at the podium as he has yielded to me, and to thank him for the leadership that he has given to so many issues.

Mr. Speaker, I want to thank the gentleman for the leadership work that he took to Puerto Rico that will need housing, and the U.S. Virgin Islands that will need housing. The neighborhoods that he has just mentioned, I am quite familiar with. I know those neighborhoods in New York. I have relatives in New York.

But I also know the neighborhoods in Texas, and I know the public housing developments. I want to join the gentleman in that terminology because, remember, it used to be the projects. But we know that public housing developments are where people live. It is where they raise their children. When you have a home in the public housing development, it needs maintenance, elevators, window reinforcement, hallways cleaned up, painting done, and, yes, debugging, and brick-by-brick repair, or it may be a new addition.

All of my life, I have met my classmates in public, elementary, and middle school, and they live in the housing developments, many of whom I could go back to, and they are doctors, lawyers, teachers, business persons, and Congresspersons. They are upstanding citizens. But we also know that they have said to us that you have allowed these public housing developments to deteriorate so that children of families who live there now may be subjected to violence and drugs, and it is not their home.

Let me tell you why we are in that predicament.

Right now, as we speak, they are marking up the tax scam. If you look at this pie, you will see that it will be impossible for any moneys to go for public housing or affordable housing because 80 percent of the tax cuts will go to the 1 percent. That means that we will lose \$1.5 trillion in revenue.

What Congressman ESPAILLAT is talking about is that we will be losing and will not be able—as the budget that was passed evidences with \$2.4 trillion in cuts in domestic discretionary spending, it will not allow the work that we are calling for today: reconstruction, new build, rehab, repairs, and adding to the housing stock in America for our people who are in need.

Let me show you this. It may not be exactly in our neighborhood, but it shows you what happened in a disaster. This is a house, or a place where people would be in a house. I could go to Texas after Hurricane Harvey and find houses in this condition. I could go to Port Aransas or Rockport. I can go to Third Ward or northeast Houston.

In our community, Mr. Speaker, we have what we call blue tarps after the

hurricane, and they stay on because people are in houses that they cannot afford to repair. They need affordable housing.

Do you know what? They want to live in historic neighborhoods like Fifth Ward where Barbara Jordan grew up, Sunnyside, South Park, Third Ward, Acres Homes, northeast Houston, and Independence Heights, but they need housing.

So I join the gentleman in saying that this is a travesty. This is a disgrace. We need funding for affordable housing. Hurricane Harvey has made it even more disastrous because there are people in housing now right in my district—and I hear you in northeast Houston where the walls are pulled out and the mold is on because they need affordable housing. They need Section 8 vouchers and clean housing.

Mr. Speaker, let me tell you about the affordable housing and public housing. I have lost 112 units through Hurricane Harvey in condemnation, and I may lose more out of a total of 201 in one particular two-story area of Clayton Homes; and then 2100 Memorial, we are fighting to not lose the housing that is needed there.

So I want to join and thank the Congressional Progressive Caucus and thank the gentleman for leading this Special Order. I want to make sure that I keep this picture up for America to know that unless we fight against these dastardly cuts, whether you are in a disaster area and have lost your home; or whether you are in a city like New York and are facing the deterioration of public housing, or the elimination of units taken offline; or whether you are in Houston, Texas, under the Houston Housing Authority and you are losing units, the cry is for the families of America.

Who do we care for? Some of them are families of Active-Duty soldiers. Some of them are families of veterans. So I would join the gentleman in crafting and working on stopping the bleeding of losing affordable housing for the many millions of Americans who need it and welcome it, and for the millions of children who deserve it.

Mr. Speaker, I thank the gentleman for yielding to me, and I thank him again for his leadership.

Mr. ESPAILLAT. Mr. Speaker, I want to thank the gentlewoman from Texas for her eloquent remarks regarding this pressing need, this national crisis of housing.

Let me just share with you some other numbers that will further ensure that the American people understand in full depth this crisis.

In my district, as I said earlier, there are 75,463 residents of public housing out of 400,000 citywide. There are 34,035 NYCHA families in the district out of 174,283 citywide. Twenty-five percent are children who are subject to mold like you see right here on this easel, Mr. Speaker, mold that contributes to asthma and to other respiratory diseases that then lead to absenteeism in

the schools and long-term problems for young people and children who live in these public housing units.

In addition to that, Mr. Speaker, 21 percent of the residents of these housing developments are seniors over 62 years old who are also subjected to mold, chipping paint, and elevators that don't work. They have to go up and down 18 or 20 stories. Some of them are in wheelchairs or have some real challenges getting around. Yet the Federal Government and its Department of Housing and Urban Development, HUD, continue to be an absentee landlord abandoning them to their own fate. Fifty-two percent of those residents, Mr. Speaker, are on fixed incomes, and 46 percent across the city have an employed family member. So these are the numbers that are very telling to this national crisis.

The reduction in capital funding which leads to the deterioration of buildings' roofs and facades, failure of boilers, leaks, mold like we see right here, and other unacceptable conditions are devastating to my constituents, and they contribute to a public health crisis, asthma, respiratory disease.

Americans need a better deal for housing. As we continue negotiations on the fiscal year 2018 appropriations and the administration prepares the fiscal 2019 budget proposal, we need to ensure that public housing is adequately funded.

□ 1800

Sufficient capital funding is imperative for my district and the country, and it ensures the creation of jobs through capital work.

Investing capital dollars in public housing repair would also yield employment in our communities. It also ensures the reduction of negative health outcomes and healthcare costs related to the deterioration of housing conditions. It also results in quality, stable housing for low-income Americans, which is one of the most important factors in the alleviation of poverty.

Americans need a better deal for housing. I hope that my colleagues remember the constituency that we serve, particularly the most vulnerable ones like the residents of public housing, and we continue to fight back against budget cuts. Growing the public housing capital fund must be elevated as a priority.

Mr. Speaker, I yield to the gentleman from California (Mr. GOMEZ).

Mr. GOMEZ. Mr. Speaker, I thank Congressman ESPAILLAT for leading this important Special Order.

It is no secret that many cities in our country face an affordable housing crisis. That crisis is particularly acute in California, as everyone in my State, from the Bay Area to Los Angeles to the Inland Empire, will tell you.

California is a desired destination for people from all over the world, many of

them skilled, tech-savvy young people who moved to California for our climate, culture, or commerce. This is especially true for my home city of Los Angeles, which boasts cultures and cuisines from all over the globe, allowing anybody to feel at home.

Unfortunately, the growth of affordable housing has not kept pace with the population growth. This disconnect has created a housing affordability crisis that is exacerbating economic inequality and forcing lifelong Angelinos out of neighborhoods they grew up in.

The lack of housing raises rents on working families, which, in turn, threatens the vibrant hubs of Latino, Black, and Asian culture throughout my district, potentially stripping these neighborhoods of their character that made them so unique and desirable to live in in the first place.

Our affordable housing crisis has left more than 400,000 households in the city of Los Angeles and 900,00 in L.A. County in what they call a precarious housing situation. A precarious housing situation means that the dwelling is substandard, families are doubled up, or they spend more than half their income on housing.

That is 1.3 million people in precarious housing situations, teetering on the edge of homelessness, one bad day away from losing the roof over their head. That is on top of 58,000 homeless individuals in Los Angeles County.

Simply put, the affordability crisis in California threatens our State's great legacy to provide economic opportunity for all.

In Los Angeles, we have seen that, when we target our resources to help specific populations, we get results and we save lives. In 2015, L.A. City housed more than 15,000 people, including 2,600 veterans and 2,800 chronically homeless people, more than any other city in the country.

Despite the historic housing shortage and a staggering mental health crisis, my city has proven that policymakers can tackle this problem if we have a coordinated effort at the State, local, and Federal levels.

L.A. is stepping up. So is the State of California. L.A. passed measure HHH, which is \$1.2 billion to help individuals who are homeless. The California State Legislature passed 15 housing bills and a \$4 billion bond to be on the ballot in 2018.

But we can't do it on our own, and we don't need the Federal Government to undermine our efforts by undermining their role and responsibility at the Federal level. Unfortunately, our Republican-led Federal Government doesn't believe in being a good partner and doesn't believe in combating unaffordable housing and homelessness. They have chosen to starve vital agencies like Housing and Urban Development and zero out funding for agencies such as the Interagency Council on Homelessness.

Cities like L.A. and States like California need responsible Federal part-

ners to tackle issues like homelessness so they can make tough choices and make sure we have a housing situation that serves all people. That starts with actual Federal investment in projects and programs that help people, not just the rich. That is why the Republican tax cut plan is such a sham and deserves to go back to whatever dark corner of Republican dogma it came from.

As it stands right now, the Republican tax plan would cut the production of affordable housing in half by eliminating multifamily, tax-exempt housing bonds. It would also repeal the 4 percent tax credit and provisions authorizing the use of tax-exempt private activity bonds. Taken together, these provisions account for 50 percent of all affordable housing production and would make our affordable housing crisis even worse.

Republicans in Congress only claim to care about giving States the power to pursue their own policies. It would be great if their actions matched their words and they actually worked with our great cities and States to address important problems instead of making them worse.

I ask for all of you to consider that any tax plan not exacerbate the housing crisis in our country.

Mr. Speaker, I thank Representative ESPAILLAT for leading this important Special Order.

Mr. ESPAILLAT. Mr. Speaker, earlier, I talked about some of the proposed budget cuts that HUD has brought forward for this fiscal year. Let me tell you, the American people, what some of the programs are that will be negatively, adversely affected by these cuts on a daily basis.

Section 8, a program that provides rental assistance to help low-income individuals and families, more than 125,000 households in New York City's NYCHA complexes depend on Section 8 vouchers, 39,000 of which are administered by the city's HPD Department. Approximately half of the voucher recipients are elderly and disabled.

Community Development Block Grants help the city enforce housing quality standards. More than half of the city's Community Development Block Grant allocations support housing quality standards funding; 500,000 inspections have been conducted, 8,000 emergency repairs, 16,000 housing litigation cases, and emergency shelters for 1,000 households, just in 2016.

The Low Income Housing Tax Credit, nationally, 90 percent of the affordable housing is financed through the Low Income Housing Tax Credit. The Low Income Housing Tax Credit and tax-exempt bonds have helped create and preserve over 116,000 safe, quality, affordable homes in New York City.

These programs will be compromised and lead to apartments with mold, chipping paint, leaky pipes, dysfunctioning elevators, failing boilers, and leaky roofs. So this is a major national crisis.

Let me share with you some of my constituents' stories. Now that we have

talked about numbers, let's talk about what these numbers mean and who they impact.

Let's talk about, for example, a lady named Maria Pacheco, who has lived in the UPACA 6 development for 12 years. She is retired from working at the stock market. This is what she had to say about the importance of making capital improvements to her public housing building:

If NYCHA fixes the entrance doors and the walkway in front of the development, more seniors would be able to get out of their apartments more often. There are a number of seniors who do not come out of their apartments because they are not able to open the entrance doors. Those doors are really heavy and the walkway is dangerous, and a lot of seniors fear they will fall.

Maria Pacheco needs a better deal in housing from Congress. Seniors are too afraid that they will fall.

During Secretary Ben Carson's listening tour—by the way, Mr. Secretary, New York City is still waiting for you to see our public housing complexes and the conditions that they are in—during his so-called listening tour, this is what he had to say to a development in Columbus, Ohio, that is partially funded by HUD: "Compassion means not giving people a comfortable setting that would make somebody want to say: 'I'll just stay here. They will take care of me.'"

Mr. Secretary, "a comfortable setting," you said. Public housing often lacks consistent heat and hot water. That is far from being comfortable.

Public housing elevators often break down. That is far from being comfortable.

Public housing often has no heat and hot water and mold on the wall. That is far from being comfortable.

I think my constituent Birdie Glen, age 78, who lives in the Jackie Robinson Development with her husband and great-grandson would disagree with you, Mr. Secretary. She is retired from the Department of Education, and this is what she had to say:

If they fix the boilers in the Jackie Robinson Development, the residents would be more grateful and appreciative. The lack of consistent heat and hot water has caused a lot of the residents to get sick. Adults as well as children have been visiting the doctor's office more frequently due to getting sick because of no heat and hot water.

This has become a public health crisis as well. During the winter months, residents experience more illnesses in the Jackie Robinson complexes because the boilers need to be replaced.

Another resident, Felicia Rodriguez, 70 years old, who lives in the Gaylord Houses, says:

In my 2 years living at Gaylord, I have experienced severe flooding, water damages in different areas of my apartment. If we had repairs and upgrades in our development, we will value our homes and neighborhood. We need to ensure we get the repairs completed in a timely manner to avoid further damages to our infrastructure.

Gaylord has significant leaks due to the pipe damage, brick gaps, roof damage. These problems affect our health, our hygiene, and

economic issues for many seniors in Gaylord development. By making major roof and brick repairs at Gaylord White Houses, we will eliminate leaks, flooding, and damage to the top floors of these apartments.

This is a public health crisis.

Let's talk, Mr. Speaker, about public health and mold.

In every city, there is an aging public housing development complex, and a lack of investment for decades means that many buildings pose great, great health risks to the residents. In New York City, a majority of NYCHA buildings are more than 60 years old. Public housing authorities have endured decades of Federal disinvestment. For many, a lack of affordable funds means that repairs have spiraled out of control. Some units are so damaged that they cannot be lived in.

Citywide, there are 2,300 NYCHA units that are vacant, and many need extensive renovations to become safe homes again. Not only is the lack of Federal investment hurting the number of public housing units available, but vacant units almost always make public housing less safe for current residents.

Speaking to DNAinfo, Jisele Hearne elaborates how vacant units make the Harlem River Houses less safe: "Of course, we are worried. Anyone can come in and you don't know what they are going to do. They can . . . leave the gas on. It's not safe living someplace where nobody is monitoring."

Harlem River Houses has been plagued with mold for many years, and units on the top floors have remained uninhabited.

Mold affects 328 NYCHA properties, and the situation has only worsened after Hurricane Sandy. That was in 2012. We need capital investment not just to eradicate the appearance of mold; we need to address the root cause of that. We need to replace leaky roofs, crumbling pipes, and all ventilation systems to make sure the mold is gone forever, for good.

□ 1815

The health of children, families, and seniors is at stake. The CDC reports that exposure to mold can lead to coughing, wheezing, eye and skin irritation in otherwise healthy people.

For small children, exposure to mold may lead to asthma, leading to absenteeism in the schools. For vulnerable residents, such as seniors or small children, mold may lead to much more serious medical conditions.

The government is the landlord of public housing complexes across the country, and we cannot expect public housing residents to deal with conditions that would be deemed unacceptable in the private market. It is our solemn duty to make sure that public housing residents have homes that allow them to lead healthy and productive lives.

If we can afford to spend \$1.75 million remodeling one unit in public housing—that is the White House that I am

referring to, which is public housing. If we could spend \$1.75 million to renovate the most expensive public housing unit, the White House, then surely, Mr. President, we can afford to guarantee safe homes for public housing residents.

If President Trump can spend \$291,000 on office walls, then America's 1.16 million units of public housing should have walls free of mold, like the one we see right here, and other safety hazards. Unlike the White House, residents of public housing cannot afford lavish renovations. They depend on us, and we must not fail them.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE), my distinguished colleague.

Ms. LEE. Mr. Speaker, first let me thank Congressman ESPAILLAT for yielding and for his tremendous leadership and advocacy to ensure that our communities have access to affordable housing, regardless of their income, regardless of their background. I want to thank the Congressional Progressive Caucus and him for leading this Special Order tonight because it is so important that the public really understand the issues that we are dealing with here in Washington, D.C., on behalf of the American people.

Tonight, of course, we are calling on the Trump administration and our colleagues across the aisle for greater investments in affordable housing, including in public housing.

Affordable housing should be a basic right. No one should have to choose between placing food on the table or paying their rent, especially not in the wealthiest country on Earth. Sadly, right now, our country is in the midst of an affordable housing crisis. Half of all families in this country are forced to spend more than 30 percent of their hard-earned income on housing.

Over 38 million families struggle to pay rent and put food on the table every day because they pay more than one-third of their income on housing. Right now there are only 12 counties in the entire country where a minimum-wage worker is able to afford a modest two-bedroom apartment.

Simply put, the housing crisis in America has reached epidemic proportions. It is really a state of emergency. Nowhere is this epidemic more evident than, for example, in my own district. The average renter in Oakland, California, for example, would be forced to spend a staggering 70 percent of their income on housing if they were to move today—70 percent—and many are being forced out.

In Oakland, the number of homeless individuals increased by 25 percent this year to more than 2,700 people. In all of my county, Alameda County, the homelessness population has increased by nearly 40 percent in the last 2 years to more than 5,600 people.

Now, these people have settled into encampments with all of their furniture and belongings across the streets of cities in my district. It is un-

conscionable and devastating that this un-American reality persists across the country.

Yet, instead of working to address this crisis, Republicans have slashed funding, mind you, for housing assistance programs to their lowest level in 40 years. In the Republican fiscal year 2018 budget, there are over \$200 billion in cuts from programs that everyday families depend on, like SNAP, agricultural subsidies, and housing assistance.

What is worse, the Trump budget slashes the budget of the Department of Housing and Urban Development by nearly 15 percent. The Secretary of HUD, I guess, supports this, which is mind-boggling because he is charged with developing housing strategies so that everyone can have decent, affordable housing. To cut it by 15 percent makes no sense.

This endangers the livelihoods of millions of low-income seniors, people with disabilities, families with children, veterans, low-wage workers, families living with HIV and AIDS, which they all depend on affordable housing programs.

Our Progressive Caucus colleagues and I are here tonight to say that, really, enough is enough. We demand affordable housing for every person in our Nation, regardless of who they are and where they live, and we are not giving up.

Earlier this year, I introduced a renters' bill of rights. It is H. Con. Res. 74, which affirms that all renters have the right to safe, decent, and affordable housing. It calls for greater enforcement of antidiscrimination laws that protect communities of color from burdensome regulations. It calls on Congress to increase funding to protect every American's right to livable and affordable housing.

So as a member of the Appropriations and Budget Committees, I am committed to advancing the American Dream for all, and that is affordable housing. People deserve to have a decent and safe place to live to raise their families.

So to everyone across the country who worry about paying rent or whether they can finally, at the end of the day, buy a home, I say: Keep raising your voices and keep bringing what we call street heat to defend your communities, because you have got allies in the Congressional Progressive Caucus. You have got them in this House of Representatives, especially Democrats. We are not going to give up fighting for you.

I want to thank Congressman ESPAILLAT for holding this Special Order tonight because I think the public, given this crisis—and it is a crisis, it is an epidemic, it is an emergency—people need to know we are here fighting for them, and we are going to continue fighting until everyone in America has a decent, safe, and affordable place to live.

Mr. ESPAILLAT. Mr. Speaker, I want to thank the gentlewoman from

the State of California for her eloquent words.

Mr. Speaker, I would like to highlight another factor that contributes to the problem of the lack of affordable housing, and that is the decreasing affordability crisis in New York City.

Historically, New York City was built on inclusivity, and it is here that people from all walks of life come in and they coexist. It is this diversity that contributes to the success of this great experiment called America, this great experiment called New York City. It is young people moving here from Tennessee and immigrant families from the Dominican Republic, like my family, for their own American Dream right here in New York City. And New York City's success is one piece of the national picture of urbanization.

This enormous change in cities across the country includes an influx of more people, often young and from diverse backgrounds. This means we need the visionaries in expanding our housing supply, especially our affordable housing supply.

Mr. Speaker, that is why we are here today, to highlight on this national crisis of a lack of affordable housing. America has a housing crisis—an affordable housing crisis. Working and middle class New Yorkers have felt the brunt of fewer options available on the market.

Countless middle- and low-income families cannot afford to live in the neighborhoods they have known their entire lives. They must give up living close to jobs, schools, familiar neighbors, and everything else that defines their community.

The very foundation of our city is threatened when households must make difficult choices between basic necessities and rent. That is truly a fight for the soul of our neighborhoods, our cities; and they are often forced to leave these houses and communities.

This is not a crisis that affects only a few. It impacts many New Yorkers. Sixty-nine percent of New Yorkers rent their homes, and nearly half of renters struggle to pay rent every month. Many are one unexpected bill away from debt or eviction.

While this situation is dire for those struggling to pay rent in their apartments now, there are virtually no options for low-income New Yorkers. Minimum-wage workers will need to have three full-time jobs or work at least 119 hours per week to be able to afford a two-bedroom apartment at market rate.

Not only is it physically impossible, but we should not ask that of workers in our city. The crisis of affordability nationwide will not vanish if ignored. So long as New York's economy is thriving, rents won't plateau or fall on their own. Developers will continue to eye aging buildings for redevelopment and build new luxury apartments. Rather than leave the creation and preservation of affordable housing up

to chance or whims of the market, we must be intentional about funding affordable housing.

We already have a housing stock of 176,000 units of public housing in New York City alone. That is the lifeline of hundreds of thousands of residents, but it is in dire need of investment.

If we care about diversity and care about inclusion, we must put our money where our mouth is and we must repair and preserve public housing for a future of increasingly expensive cities.

Another aspect of the lack of affordable housing and the income gaps affecting New York City is the dynamic of gentrification. Mr. Speaker, I have the distinct honor of representing Harlem, which recently was—there was an attempt to change its name to SoHa by speculators, people who want to turn Harlem, a traditional iconic neighborhood of New York City, into something else.

There are Harlems in every State across the country. There are Harlems in every country around the world. Harlem is a personality. It is an attitude. Harlem is for those who feel that perhaps they don't have a voice but they want to fight to get to another level. That is Harlem. It is a spirit.

Harlem, which, during the latter half of the 20th century, was plagued with crime and abandonment, is now falling victim to its own success. Rents have risen and many long-term residents have been displaced.

The same is happening in Washington Heights, Inwood. Neighborhoods that saw over 100 homicides every year and that now are down to low single digits are seeing a dramatic increase in rent and affordability; and many folks who have been living there for decades, like my family, are now having to make tough choices of whether they remain in the neighborhood that they love or have to move somewhere else.

Even among those who remain, they still face additional challenges because the neighborhood they have known for so many years now feels unfamiliar. For many, the fear of displacement is ever-present.

Mrs. Gwen Walker, a resident of the General Grant Houses in Morningside Heights since the 1950s, was speaking to *The New York Times* when she shared her thoughts on displacement, saying the following: "But the feeling is, 'What am I going to do? Where are we going to go?'"

Gentrification was a frequent topic of conversation among Mrs. Walker and her neighbors.

So I continue to highlight the fact that not only do we have a public housing crisis, not only does that lead to a public health crisis, but also the skyrocketing cost of living has created gentrification, has made it very difficult for working people—the engine of the economy of the city—to make ends meet.

These residents are worth protecting, and low-income New Yorkers should

not be pushed aside every time a speculator or developer thinks that a building, a block, or a neighborhood could be worth more money.

For neighborhoods that have already gentrified, public housing is the only standing thing between them and displacement. They are the lifeline for many tenants, and unlike market rate housing, they will not raise rent on their residents when the neighborhood improves.

This is paramount. This is paramount for many low-and fixed-income New Yorkers because they are not further burdened for not abandoning their homes.

□ 1830

And the displacement continues to occur in New York City, Madam Speaker. It is a harsh reality after tenants on the private market are evicted, bought out, or cannot afford a rent increase. After losing their home, families have few choices. Some families end up in overcrowded apartments, if they are lucky, living with another family member or living with a stranger.

David, who is a Mexican immigrant, lives in Washington Heights. He lives with 12 other people in a 750-square-foot section of the basement. Another 14 people live in the other half.

He explained, speaking to *New York Magazine*, that, for \$100 each, they get 40 square feet, a children's bunk bed, and a refrigerator salvaged from the trash. Their basement is hard to move around in and impossible to walk anywhere but to the leaking bathroom down the cramped hall or to the small living room with the scavenged sofa. The basement costs David and his 27 roommates almost \$3,000 a month.

This is not an uncommon experience. Citywide, two-thirds of all Mexicans live in overcrowded conditions. David described his journey and realization of what living in New York City would be like for him:

From the airport, I went to my brother's place in Washington Heights. He was living with his child and pregnant wife, along with another couple and their kid—six people. I was the seventh. In only one room.

America should know this: there is a public housing and affordable housing crisis across the country, and HUD proposes to dramatically cut the programs that guarantee the services for this housing.

David also experienced the loss of his home and an understanding that his place in the city is always vulnerable.

This is all happening, Madam Speaker, while Republicans continue to devise, to plan, premeditatedly, to plan their tax reform that will give the rich, the 1 percent, a handsome tax cut while punishing the middle class and working class sectors of America.

There is only one unit of public housing that is worth over \$390 million, Madam Speaker, and it is the White House. The White House does not have mold. The White House does not have crumbling pipes. The White House does

not have severe water damage or asbestos because the White House is not plagued by disinvestment.

President Trump does not pay rent, and he is not in danger of being priced out of his neighborhood. And yet President Trump and congressional Republicans are proposing to strip cities of their ability to create and maintain affordable housing for those who most desperately need it.

The Ryan-McConnell tax bill is a lie that is being sold to the American people as a promise, a promise that claims that everyday Americans will benefit and see more dollars in their pockets. But it is a scam; it is a shell game; and it will make richer the rich and leave everybody else behind.

The proposed tax plan eliminates funding for low-income housing tax credits, which are responsible for many affordable developments. The need for affordable housing is ever growing, and the low-income housing tax credit must be expanded, not eliminated, to keep up with demand. For New Yorkers, every dollar in their paycheck matters when it comes to being able to pay rent.

Removing the State and local tax deduction, called SALT, places an unfair double tax on State residents. States who choose to provide high-quality services through taxation will be unfairly punished. This unjust punishment will be felt mostly by those who live paycheck to paycheck.

In some neighborhoods in New York City, residents spend as much as 80 percent of their income on housing and transportation. Removing the State and local tax deduction means that families who already make tough decisions about food, rent, and other bills now have fewer dollars in their pockets to make those decisions.

For families that have saved up enough to participate in the American Dream of owning their home, they no longer will be able to use the mortgage interest tax deduction to help them finance their homes. For many hopeful families, eliminating the mortgage interest tax deduction closes the door to that opportunity.

The low-income housing tax credit, the State and local tax deduction, and the mortgage interest tax deduction are the foundation from which we can build affordable communities. We will not give in to the GOP tax scam; we will not play in a shell game; and we will not give billionaires even one more dollar. America deserves a better deal.

Madam Speaker, I close by saying that, in my home State of New York, the Empire State, and particularly in my district, for the last 75 years, it has been represented by two giants: first, by the late and great Adam Clayton Powell, Jr., who made history right here in these Chambers; and for the last 46 years, by the "Lion of Lenox Avenue," Charles B. Rangel.

Underfunding of affordable housing in that district starves public housing and is compromising the health of pub-

lic housing residents. HUD's capital backlog of \$26 billion cannot be added to. We must be responsible and take hold of this challenge.

For the public health of our constituents, to preserve the American Dream, I urge my colleagues to vote and make affordable housing a priority.

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

The SPEAKER pro tempore (Ms. TENNEY). Members are reminded to address their remarks to the Chair and not to a perceived viewing audience.

FOOD SECURITY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. THOMPSON of Pennsylvania. Madam 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 the topic of this Special Order.

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

There was no objection.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today as the vice chair of the House Agriculture Committee and chair of the House Agriculture Nutrition Subcommittee.

We are currently working on a farm bill, and the farm bill has legislative policy that really has multiple purposes. One is to make sure that Americans have food security, they have access to affordable, high-quality, and safe food. Also, though, it is just as much about making sure that we have a vibrant, rural economy, Madam Speaker.

Within the farm bill, there is the nutrition title. Tonight, I want to spend some time talking about the nutrition title and the importance of that nutrition title. Obviously, nutrition matters. We know the health benefits from getting access to nutritional food.

Madam Speaker, there is kind of a value I grew up with growing up in a rural community. Madam Speaker, I say that one of the worst parts about growing up in a small, rural community is, quite frankly, everybody knew your business. If you did something wrong, before you got home, Mom and Dad probably already heard about it. Now, I have to say that was the worst part.

The best part about growing up in a rural community is that everybody knew your business. And when a family had a need, whether there was a crisis of any type, an emergency, neighbors stepped forward. Neighbors helped neighbors. They stepped forward, whether it was support, love, financial support, food, physical assistance, whatever that might be.

And, for me, that principle, that value of neighbor helping neighbor is really what the nutrition title of the farm bill is all about. And the most appropriate place for the nutrition title and our nutrition programs is in the farm bill because, after all, there is not a calorie that is consumed within the nutrition programs that is not raised by a farm family someplace.

So this evening, we really want to take some time and zero in on what we call D-SNAP within the nutrition title. SNAP stands for the Supplemental Nutrition Assistance Program, Madam Speaker.

At one time, it was called food stamps. That was many years ago. That still gets tossed around. But it is really the SNAP benefits today. It is supplemental. It is assistance that comes after an individual or a family, whatever resources they put towards their own foods needs. Obviously, it is what their family can assist them with and it is what their community can assist them with, whether that is their church or another civic organization or, perhaps, a food bank.

We also have nutritional programs called TEFAP that provide food and food commodities to our food banks as well. That can be the subject of another evening to talk about.

Tonight, we want to talk about D-SNAP. Those are specific benefits that come at times of disaster.

We know that our country has been really overwhelmed with disasters. We have seen, obviously, hurricanes in the Texas and Louisiana area. We have seen hurricanes in the Florida and Georgia area. We have seen multiple hurricanes in Puerto Rico and the Virgin Islands. We have seen wildfires that have taken homes and lives, dramatic wildfires, intense wildfires, burning entire neighborhoods and communities in both California and Oregon, specifically.

So, this evening, I want to spend a little bit of time talking about those D-SNAP disaster programs. I am very proud about the programs that are authorized through the House Agriculture Committee, through the farm bill, through our work.

We are working on a farm bill right now. This next one expires in October of next year, 2018. But because of the rural economy, we feel it is very important that we do that ahead of time, and we are hoping to accomplish that soon, in the months to come. We will see how that works out.

We have got a lot of work to continue to do on it, but that is our goal. The rural farm economy, farm income, has been down by 50 percent for a number of years, so this would be a really positive thing for rural America to be able to accomplish this farm bill.

So tonight we want to talk a little bit about, specifically, food assistance for disaster relief, otherwise referred to as D-SNAP.

Madam Speaker, there is nothing more important than providing food

when people find themselves suddenly and often critically in need following a storm, an earthquake, a flood, obviously, a hurricane, a wildfire, or any other disaster emergency. It is hard enough if you have lost your home or you have lost your place of employment. You shouldn't need to worry about where your next warm meal is coming from. That is what our D-SNAP, or our food assistance for disaster relief, does.

I am very proud, as I started to say, of the Agriculture Committee and our role within oversight authorizing these programs. But I am also very appreciative of the very dedicated individuals who work at the United States Department of Agriculture and, specifically, the Food and Nutrition Service, referred to as FNS, under the leadership of the Secretary of Agriculture Sonny Perdue.

Over the past several months, we have had a number of natural disasters that everyone is well aware of. They have devastated parts of our Nation, from Hurricanes Harvey, Irma, and Maria to the wildfires on the West Coast. USDA's Food and Nutrition Service, FNS, has worked diligently to ensure that those impacted by these disasters have enough to eat.

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Now, working in close coordination with the Federal Emergency Management Agency, or FEMA; our State partners; and volunteer organizations, FNS has not only ensured that individuals participating in our regular nutrition assistance programs continue to receive the nourishment that they need, but also that other populations affected by the disaster have access to the food.

Madam Speaker, under the authority that is provided through the farm bill, and specifically section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, through USDA, we are able to provide administrative flexibilities, including waivers for program requirements in cases of Federal major disaster declarations, which we have seen so many of those in the past few months.

We were able to provide technical assistance to State leaders in impacted areas to assist them to determine what flexibilities or waivers are best suited for the stage of the disaster at hand. Requests for waivers and flexibilities are submitted to FNS by State agencies. That is where the need is determined by when those declarations are made. For example, waivers for school meal program operations are requested by the State department that oversees the school meal program. And waivers from the Supplemental Nutrition Assistance Program, or SNAP, as we have talked about, are requested by the SNAP State agency.

So these flexibilities and waivers in food aid programs are provided at different stages in the disaster.

In just a little bit, we are going to talk about some of the different disas-

ters we have faced in the States and how these programs that are made available through our work in the Agriculture Committee have really been there to serve our neighbors in need.

When a disaster is anticipated, an FNS best practice is to work with the State agencies and potentially impacted areas to determine what flexibilities are most needed.

Madam Speaker, some of these waivers and flexibilities, they range from early issuance of SNAP benefits; to SNAP automatic mass replacement; and extension of time to report food loss, food loss that was purchased with SNAP benefits, food that was supplemental to assist families and individuals in need; a SNAP hot foods waiver.

Normally, the food under the Supplemental Nutrition Assistance Program that is purchased, taken home, is nutritional food and prepared to be able to serve, and normally hot food purchase is not allowed.

When people have lost their homes, when they have lost those types of critical assets, and in the middle of that, being able to have that waiver to be able to go to where there is food that has been cooked, whether it is a convenience store, whether it is a fast food restaurant, although normally not a place that is approved for SNAP benefits, we recognize that may be the only warm food available, given when you are in the middle or immediately following a disaster, and so those waivers are provided.

Special Supplemental Nutrition Programs for Women, Infants, and Children, or the WIC program. FNS has the ability to grant flexibilities and substitutions in WIC to disaster-stricken States on items such as fluid milk, bread, juice, cheese, eggs, basic staples, for example, when regional demand and the supply chain disruptions are present.

Child nutrition programs. FNS allows for a number of flexibilities during disasters, such as allowing disaster-affected schools and institutions to provide meals to all children at no cost and to be reimbursed at the free reimbursement rate for a limited period of time when a geographic area is heavily devastated by a declared disaster emergency and where the normal processes of food provided in the home has been disrupted. All these things and so much more, Madam Speaker, are part of this.

We also have a disaster household distribution which is a part of the program. That is high quality, nutritious, 100 percent American-grown-and-produced food. USDA foods are distributed to food banks and other partner organizations.

In times of disaster, especially when disaster-affected populations do not have access to congregate feeding, in other words, coming together to be able to get their food, they are in isolated communities and/or grocery stores are not operating because of the disasters, a State agency may request to operate a disaster household dis-

tribution program, in which food banks and voluntary organizations utilize the household-size USDA foods, such as those offered in The Emergency Food Assistance Program, what we refer to as TEFAP, to build and distribute food boxes to families. And, of course, the Disaster SNAP that I made reference to. D-SNAP is one of many types of food assistance for disaster relief.

The D-SNAP is a streamlined version of SNAP that provides temporary—and that is important to understand—food assistance for households not currently receiving SNAP who are affected by a natural disaster. Areas with a Presidential designation of a major disaster with individual assistance are eligible to operate a D-SNAP. States have to request approval from FNS to operate a D-SNAP in such an area.

The timing of the D-SNAP varies with the unique circumstances of each disaster, but always begins after the commercial channels of food distribution have been restored so eligible families can purchase and prepare food at home.

D-SNAP programs are often paired with supplements for the ongoing caseload to bring their benefits up to a maximum amount.

Finally, of the food assistance disaster programs, the final one, just briefly, and the eighth one, is infant formula and food. USDA, through FNS, can make emergency procurements of infant formula and foods for 96 hours after a Presidential declaration and upon request by FEMA or a State agency. With these State agencies, local supplies of these products and similar items provided in FEMA's infant and toddler kits are typically utilized first before FNS receives a request for these products.

These are all examples of great programs. When American families are hit by these natural disasters to a significant level where Presidential declarations of natural disasters are declared, through the Agriculture Committee and mobilized through the United States Department of Agriculture, and the programs that we authorize under that agency, this is how neighbors help neighbors in need.

Madam Speaker, I thought I would just touch briefly on a few of the programs, some of the experiences of how American families have been assisted through these programs, starting with August 25, 2017, with Hurricane Harvey, where it struck Texas.

Madam Speaker, we are all familiar with the scenes as we watched the unparalleled, just Biblical proportions of rain, 5 feet of rain in just a number of days.

Texas was provided through this program, Supplemental Nutrition Assistance Program, or SNAP, a Disaster Supplemental Nutrition Assistance Program in 39 counties that were impacted by Hurricane Harvey. FNS also approved the State request to issue automatic supplements to ongoing SNAP households in 39 counties that

received a Presidential declaration of disaster for individual assistance. FNS approved the automatic issuance of 2 months of disaster supplement benefits.

On September 1, FNS, USDA, approved a policy to provide States with flexibility to serve Hurricane Harvey evacuees, States that had chosen to either serve evacuees through expedited SNAP rule or through the simplified program rules in the evacuee policy, people who have relocated from their homes.

Additionally, on September 1, they issued an automatic mass replacement of August SNAP benefits in 29 declared counties. These mass replacement benefits were issued to replace food that was purchased with August 2017 SNAP benefits but was all destroyed by the hurricanes, the rain, the flooding as a part of that natural disaster. That is just an example.

Additionally, Texas received a hot foods extension notice. That allowed the State's hot foods waiver request to allow recipients to purchase hot foods and hot food products prepared for immediate consumption with their benefits at authorized SNAP retailers. As I mentioned before, that is normally not a part of the SNAP program, but, given the recognition, an incredibly important part of that.

Another example of application with Hurricane Harvey in Texas, USDA, through FNS, approved Texas to operate a disaster household distribution program really to address immediate food needs. Packages containing USDA foods were distributed by local feeding organizations to over 23,000 households, beginning September 8, for up to 4 weeks.

Then there was a partnership as well, Madam Speaker, where Texas and the Salvation Army used USDA foods to prepare and serve 100,000 meals to those in need.

FNS informed Texas that it could use The Emergency Food Assistance Program, or TEFAP, USDA foods to provide meals at food pantries and food kitchens to people in need who couldn't reach larger disaster feeding organizations but who were able to gather at small local organizations. Those are just a few examples in Texas.

Madam Speaker, I want to fast forward to probably a month or so later, October maybe, because disaster comes in all shapes and sizes, and some of the devastating wildfires that we had, specifically in California, also reaching into Oregon.

Madam Speaker, I yield to the gentleman from California (Mr. LAMALFA). I am really pleased to be joined this evening by my good friend and colleague.

Mr. LAMALFA. Madam Speaker, I thank my colleague from Pennsylvania, Mr. THOMPSON, for yielding. I appreciate his efforts tonight in pointing out the nuances of the SNAP program and what it means in a disaster situation, such as what we have had all

over the country in hurricanes, and even in my own backyard with the wildfires that we have been hearing about in the West in general, in my own district, where several have affected us very negatively, and adjacent areas of northern California and the wine country, indeed in southern California as well.

So the flexibility that has been needed, as we found in the SNAP programs through what is known as D-SNAP, which is Disaster and Supplemental Nutrition Assistance Program, has been very helpful to many in northern California and even southern California counties as well.

So when the California Department of Social Services requested the D-SNAP to be put in place, the Food and Nutrition Service did, indeed, grant that in several instances, including October, and more so in northern California, but in other instances as well in this case, indeed, as Mr. THOMPSON so well explained earlier in tonight's Special Order.

Due to power outages from the fires knocking out power, we have food loss and spoilage due to those power outages, as well as other instances, and even the ability for people to buy food. Maybe their home is okay, but they wouldn't have the markets available to them in their community to buy food that they need locally. So the D-SNAP program has given the flexibility and the ability to source it and have it available after these families have suffered losses, including the waiver for some folks who don't have the ability to produce and prepare hot food, where, in that case, families can have fairly normal meals in a time of crisis that is, indeed, a comfort for them and a positive that the flexibility of the program has made available for them.

So, indeed, destroyed homes due to fire, the power outages that have extended to so many areas and for so long have, indeed, caused these crises for families here. The flexibility of this program, as Mr. THOMPSON has pointed out here tonight, has been very helpful in that time of disaster and relief that is needed, and the compassion that comes from people helping each other in these times and these instances where we have had so much volunteerism, people stepping forward to help others in times of crisis, but you need that little extra push sometimes that this program can be helpful for.

So I appreciate the FNS stepping forward and approving what the California Department of Social Services has looked at as, indeed, worthy disaster relief that has been needed in these areas.

□ 1900

It wouldn't just apply to wildfires as well, where we have had so much hitting California this year, northern California especially. We had the issue of a possible flood and the crisis at Oroville Dam, when the spillway broke and 188,000 people had to be evacuated

due to great concerns about additional failure of the dam.

So the ability to have this available, should the timing be right, and the qualifications for it being deemed that type of disaster, indeed is a comfort for a community when basic needs like putting food on the table during crisis after a disaster come into play; whether it is fire, as was declared here, or it could be possible flood and evacuations, things of that nature, that make this a good part of an integral part of keeping a community fed and together.

So I appreciate Mr. THOMPSON allowing me to speak here tonight and to be able to point out how this has worked in northern California during just this last month in these horrendous wildfire situations we have seen in so many counties. I thank the gentleman for leading this tonight and for his attention to this.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I appreciate the gentleman's leadership on the Agriculture Committee.

Really, I think sometimes we take for granted basic essentials, such as food. Normally, these programs are for people who are, for temporary reasons or economic reasons, unemployed, underemployed. We are trying to help give people a pathway to greater opportunity through job training and those types of things.

But when disaster occurs, your life changes overnight. So I am very proud of the work that we do, of the fact that we are there for all of our neighbors in both rural and urban America; when they find themselves in a situation where they are dealing with loss of a home, or the loss of a place of employment, or delays of going to work, or schools being closed, that we really are in a position to be able—they shouldn't have to worry about that next warm meal.

Natural disasters do come in all—we just talked a little bit about the wildfires. Certainly, Oregon also is a State that has been the scene of wildfires and, specifically, received FNS, disaster and nutrition assistance in the form of child nutrition programs, not just from the flames, but from the smoke, with advisories due to smoke advisories, qualifying air quality alerts, allowing for what we call non-congregate meal service, normally, through a summer food program, basically getting food out to those families, to those kids so that they are—you don't want to be traveling through that heavy smoke.

We are all too familiar with another form of natural disaster, and that is hurricanes. We have citizens on a wonderful island, Puerto Rico, that was hit by not just one but two hurricanes in a short period of time, Hurricane Maria and Hurricane Irma.

I am joined this evening by a friend and a colleague who represents all those many United States citizens living on the island of Puerto Rico, Miss

JENNIFFER GONZÁLEZ-COLÓN. I thank the gentlewoman for joining us this evening.

Madam Speaker, I yield to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN of Puerto Rico. Madam Speaker, I thank the gentleman, my friend, for allowing me actually to speak about what is happening in terms of the USDA—the Department of Agriculture—and all the food programs on the island in terms of disaster, as the gentleman was explaining, how these programs work with the disaster.

As we speak, Puerto Rico's still has 60 percent of the island without power. As we speak, less than 20 percent of our island is having actual running water, problems with communications.

The first thing people will say is lack of electricity. They will say the lack of a proper home, when you have got more than 60,000 homes that just lost their roof or even are having a lot of damages.

So in that regard, the nutritional assistance provided by the U.S. Department of Agriculture for disaster relief in Puerto Rico has been indispensable; it has been important. Actually, the continuous communication the Government of Puerto Rico is having with the Department of Agriculture has been the first time, I think, during a disaster in this magnitude.

We are living the 49th day after the hurricane. To make matters worse, for most of our people, the lack of power and the lack of water is just a fraction of the issues. I mean, we have still got a lot of schools that haven't returned to impart classes. So that means that you have a lot of kids in their homes without going to school, and a lot of several structural damages in the homes, businesses, communities, all around the island. The amount of flooding, roads and bridges that got serious damage or lack functionality is staggering at this time. So the nutritional assistance was a concern since before the hurricanes.

I need to say that I appreciate Secretary Perdue having a call with me and different conference calls regarding different programs. First of all, 9 of the 11 programs for disaster in the Department of Agriculture, in terms of the farmers, the territories, will never apply because we are not, in fact, allowed to apply. He made it happen. He used flexibility to allow Puerto Rico to access those programs in terms of the farmer disaster assistance, and I appreciate that.

That happens also with the USDA programs. The USDA officials have been in contact directly, not just with my office, but with the Governor of Puerto Rico, with the local officials since early on when this problem was hitting the island. As a matter of fact, I was in touch today with them regarding a lot of the problems.

I am also pleased with the inclusion of the disaster assistance for the Puer-

to Rican Nutrition Assistance Program in the second supplemental bill for the disaster relief that was approved here. However, we still need, of course, a lot of help. We still know that there is a long way to recover ahead of us.

Most of the challenges we are facing now are because of the lack of power, the lack of electricity. Our people are struggling due to not having access to their nutritional assistance benefits because there are still many stores that remain without power and they cannot process the benefits through the electronic benefits system.

If the benefits are not used, in the case of Puerto Rico, for a 60-day period, they are going to be removed from individual accounts, and then returned to the Nutrition Assistance Program.

So that is one of the issues we are still working with the Department: American citizens losing access to funds allocated for them to mitigate food necessities.

I would like to encourage the Department of Agriculture to take these difficulties into consideration and explore more avenues for remedial action, because I know nobody expected an island or a territory to be, after 49 days, without power. My people are helpless against the lack of electricity, yet they stand to suffer greatly because of it.

Additionally, the Government of Puerto Rico had to request two hot foods waivers to allow the purchase of hot foods using Nutrition Assistance Program benefits. The first one was graciously approved by the Secretary, and I hope the second one that has already been received will be also accommodated.

Saying that, I want to thank personally Secretary Perdue and all the people working with FNS, USDA, and the Department of Agriculture, who have been visiting the island, dealing with farmers, dealing with the local officials. Of course, I just request that the agency remains sensitive to the challenges that 3.4 million American citizens are facing on the island. For that, I am thankful, I am grateful.

Madam Speaker, I thank Congressman THOMPSON for allowing me to be here. I know this is not the first time that he is actually fighting for this. He has been a lone leader in that regard, and I want to join him in that effort.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I have to say it has been very impressive. In the middle of that hurricane, I know that I communicated with the gentlewoman by text, and she was what we call where I am from "hunkered down." But she has been there for the people she represents every moment since. I mean, the gentlewoman was in the middle of that, and has been there, and has been reaching out and building relationships with individuals like Secretary Perdue and the staff from the Food and Nutrition Service, with USDA.

I know we were just in a hearing—the gentlewoman and I serve together on the Natural Resources Committee—and

talked a lot about the power disruption and how that certainly impacts nutrition, but it impacts quality of life and everything. We take it for granted. We take it for granted.

So the gentlewoman's leadership to her constituents is just very impressive. They are fortunate to have her, and I am fortunate to be able to call her my friend.

I think we do have a friend in terms of Secretary Sonny Perdue—a mutual friend. He and the staff at the Department of Agriculture are really committed to serving our citizens, serving our families. They have been so proactive in these overwhelming natural disasters that have gone from coast to coast, and in the Caribbean, and just everywhere we turned around, and they were absolutely devastating.

So as someone who does serve on the Agriculture Committee, I take a lot of pride in the fact of seeing what we work on each and every day in terms of authorizing programs, to watch those get implemented and watch those really make a difference.

The gentlewoman had mentioned the hot food waiver, the first one being approved through October, November. With the power being out, I certainly would support the gentlewoman's request made to the Department of Agriculture to continue that. That is not something we normally do.

As I explained, we all know that normally, under SNAP, in particular, it is food that we purchase, and then take it home and prepare it. But if you are without electricity, that is pretty tough to do.

Miss GONZÁLEZ-COLÓN of Puerto Rico. It is difficult. I just rode out the hurricane down there. We never expect to experience something like this.

So this kind of program, the disaster program, is very important not just for territories, but for States. You will never know when something like this will happen to you.

The gentleman is thanking me, but you know what? I am receiving all these opportunities and help because I count on people like him to actually help me out, reaching the agencies, doing the amendments, and the votes that are needed to approve that kind of relief bill that was here. I couldn't vote for that. Even though I represent 3.4 million American citizens, I could not vote, but the gentleman did. So this is a team effort, and there is a long way to recover. I hope it is going to end here.

Again, I thank the gentleman for all he has been doing in the committee—in both committees, actually. I know we can, as a team, work out so the people of Puerto Rico may recover soon.

Mr. THOMPSON of Pennsylvania. Madam Speaker, can I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 19 minutes remaining.

Mr. THOMPSON of Pennsylvania. Madam Speaker, I just want to mention—because I think we have talked

about the wildfires in California and Oregon. We have heard about the terrible—the one-two punch, actually, in Puerto Rico with Hurricanes Maria and Irma, and how these programs are stepped up.

I want to certainly touch on the other parts of our country where American citizens have been impacted as well.

□ 1915

While we are talking about Hurricane Maria, I think it is very important to talk about our U.S. citizens who live on the United States Virgin Islands.

This is an area as well where we have been able to mobilize under the authority of the work that we do, and in the Agriculture Committee through USDA. For the Virgin Islands Department of Human Services, we are able to receive a Disaster Supplemental Nutrition Assistance Program as well, in the districts of St. Croix, St. John, and St. Thomas.

This is obviously an island that has been devastated by Hurricane Maria. It makes it very difficult to deploy resources, especially in the interior of islands, but I really appreciate how the administration proactively anticipated the disaster was going to occur and staged resources.

As a former EMT, firefighter, and rescue technician, really to be able to pre-deploy, to be able to serve those American families—they were in a very difficult situation, and including the work of the tremendous staff at the Department of Agriculture, and the food and nutrition service, and Under Secretary Perdue's leadership, to be able to serve these citizens, that is an ongoing effort.

There is no doubt about that. Numerous aspects of our food assistance for disaster relief were deployed there, and we just really appreciate the efforts.

In the southeastern United States, actually in addition to Texas and in southwestern Louisiana as well, families and individuals in Louisiana felt the impact of Hurricane Harvey. They received a waiver to allow distribution in August of the Commodity Supplemental Food Program which are food packages that were distributed in 2017, and they were provided in an August food package, and a September food package. So there was assistance under Disaster SNAP as well there. That was Hurricane Harvey.

As we have heard already about Hurricane Irma, the tremendous damage that was done impacted individuals and families in both Florida and Georgia where we saw the supplemental assistance program, or D-SNAP, that was provided to eligible households. Some of the affected counties were able to receive 2 months of benefits to meet their food needs while they settled back home following the disaster.

FNS also approved an extension of the States' hot foods waiver, as you heard about earlier. Those waivers are an important part of what we can do to

help people's lives be better immediately following and during the transition time for a temporary period of time following disasters. On September 14, FNS approved a request to begin disaster household distribution of 25 to 30 pounds of USDA food packages in those Presidentially declared disaster areas in Florida for a period of up to 4 weeks.

On September 22, several flexibilities requested by the Florida Department of Health were approved to assist schools and childcare centers, and sponsor organizations that were operating the Child Care Food Program, or CCFP, and those approvals applied to all 67 counties.

Of course, as we mentioned, that same disaster incident in the State of Georgia that was impacted has served families there, and individuals have been served by these programs. FNS approved the State's request to issue an automatic mass replacement of 45 percent of the September 2017 SNAP benefits because of food that was damaged, lost, contaminated, and needed to be replaced in 71 counties in Georgia that were destroyed due to the disaster.

FNS approved the State's request to extend the time period households had to report food losses through individual affidavits, giving that flexibility as a part of the process as well, as well as waivers applied to schools and residential care institutions that operated under the nutritional assistance programs.

Madam Speaker, these are just a few of the examples. We have heard a lot about disasters. We continue to hear about them. We have great first responders. We have resources, our military, our National Guard. All kinds of contractual resources have been deployed by the Federal Government, State governments, and territorial governments. Among those are these nutrition programs.

As we prepare to reauthorize the farm bill and to do that here, hopefully, by the end of this year, or the very beginning of next year, I think it is important to take the time to really understand what a difference these nutritional programs can make in the lives of average-day Americans who are facing extraordinary challenges and events in their life.

Again, the nutrition programs are normally about serving those who find themselves temporarily in economically challenging situations with the loss of employment, or underemployment, frequently because of no fault of their own. And this supplemental nutrition assistance is to help them get by. We are also trying to work to make sure we provide some pathways to greater opportunity for those who perhaps would benefit from what I like to call skills-based education to help them get a better job and more resources for the family, to be able to take care of these needs independently on their own.

But there are individuals who find themselves chronically in need, perhaps, because of a significant disability, who need to be able to know that those programs are there, and to rely on them. Then there is another group that we have talked about this evening, those who wake up one morning or in the middle of the night and find that their lives have changed dramatically, at least for the time being, because of national disasters.

Madam Chair, I really appreciate the opportunity to be able to speak on these issues, and I was very pleased to be joined by a couple of my colleagues this evening.

Once again, under general leave, I am going to be submitting some comments by the chairman of the Agriculture Committee, MIKE CONAWAY, who has done a great job of leading the Agriculture Committee, as well as JIM MCGOVERN, who is a good friend and very passionate about nutrition programs.

He has a long record of service in this area, and he and I lead—he is the ranking member—the Nutrition Subcommittee.

Madam Chair, I am grateful for the opportunity to be here and to raise these issues this evening, and I yield back the balance of my time.

Mr. CONAWAY. Madam Speaker, I rise this evening to acknowledge the response of our communities and Federal agencies to the recent hurricanes and wildfires. I would like to first offer my thoughts and prayers to families affected by these tragedies.

The USDA and FNS play a vital role in providing supplemental nutrition assistance when disasters occur by coordinating with State, local, and voluntary organizations. Nothing is more important than providing food when people find themselves suddenly, and often critically, in need following disaster-related emergencies.

FNS has worked tirelessly to provide nutrition assistance to those affected by Hurricanes Harvey, Irma, and Maria, as well as the Western Wildfires. Our fellow citizens in Texas, Georgia, Louisiana, Florida, Puerto Rico, the U.S. Virgin Islands, California, and Oregon have received assistance including automatic mass replacement of benefits, D-SNAP, free school meals, and waivers, ultimately ensuring people have enough to eat in their time of need.

As Secretary Perdue has said, each disaster situation is unique. The USDA and FNS have demonstrated their ability to respond to each of these unique situations in a timely and effective way.

The challenges facing our communities ravaged by hurricanes and wildfires are unprecedented. Getting food on the table in a timely manner should not be an additional challenge. I want to recognize the fortitude of our fellow citizens as they come together to rebuild after such devastation as well as acknowledge the USDA's diligence in addressing the nutrition-related needs of our fellow citizens.

Mr. MCGOVERN. Madam Speaker, the Supplemental Nutrition Assistance Program—

known as SNAP—provides modest food assistance benefits to families in need. The program helps to alleviate hunger, reduce poverty, and improve nutrition across our country on an ongoing basis.

SNAP is also designed to help families put food on the table when disaster strikes. In response to recent hurricanes, fires, floods, and storms, officials at the United States Department of Agriculture's Food and Nutrition Service (USDA FNS) have worked with other federal and state emergency response agencies to ensure those impacted by disasters have access to food.

Flexibilities in SNAP, for example, allow states to issue SNAP benefits early to ensure recipients can stock up on food before a disaster hits.

In many cases, SNAP recipients impacted by disaster and power outages are able to request additional benefits to replace food they lost, and in certain circumstances, are able to use their SNAP benefits to purchase hot foods if they lost power and are unable to cook.

Disaster SNAP, known as D-SNAP, is a key feature of the program that provides nutrition assistance benefits to families in major disaster areas who aren't currently receiving benefits. Importantly, D-SNAP also provides families currently enrolled in SNAP with supplemental benefits to help them get by in the wake of disaster.

In addition to SNAP, other federal anti-hunger safety net programs like the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), child nutrition programs, and Disaster Household Distribution (DHD) come to the aid of those recovering from disaster.

For example, schools in areas affected by disaster can provide meals to all kids at no charge and can be more flexible in where and when they serve meals.

DHD is another program to allow food banks and other organizations to distribute emergency food boxes filled with nutritious food to people that don't have access to feeding sites or grocery stores in the aftermath of disaster.

Madam Speaker, when disasters hit the United States—and its territories—it is imperative that our government effectively and efficiently helps those impacted by these terrible tragedies.

SNAP and our other nutrition programs are a key component of disaster response efforts, providing food to families in need. In the aftermath of recent tragedies that devastated Puerto Rico, the U.S. Virgin Islands, Texas, Georgia, Louisiana, Florida, California, and Oregon, USDA was able to respond.

I'd like to thank my friend and colleague on the Agriculture Committee, the Chairman of the Nutrition Subcommittee, Mr. GT THOMPSON, for raising awareness about nutrition assistance in times of disaster.

I encourage all of my colleagues to join us in recognizing how powerful and effective SNAP and other nutrition programs are in responding to natural disasters. We must work to protect these programs from cuts or structural changes that threaten the ability of these programs to help families in need.

VETERANS DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 3, 2017, the Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Madam Speaker, I recently toured the newly renovated United States Capitol dome right nearby and, of course, was well aware it contains a striking fresco at the top. The title of that fresco is The Apotheosis of Washington, a bit of a peculiar image for our time, because it shows a stern, purple-clad George Washington exalted in the heavens.

Now, on his right is the Goddess of Liberty symbolizing emancipation; and on his left, the Goddess Victoria, symbolizing victory. He is surrounded by 13 maidens representing the Thirteen Original Colonies; however, there is a twist. The backs of several of the maidens are turned to Washington, and those represent the colonies of Georgia, North Carolina, South Carolina, and Virginia as they had seceded from the Union prior to the work beginning the fresco in 1863.

Now, Madam Speaker, the imagery continues, and around the rest of the dome are six allegorical scenes that do really project the defining ideas of America at that time. They are: war, science, marine life, commerce, mechanics, and agriculture. Now, these are perhaps old-fashioned categories to the modern mind, but then they did convey an optimism about the frontier, economic progress, and the potential of what our new Nation might be able to achieve.

Although, Madam Speaker, I had seen these frescos before, something struck me differently this time. These scenes really do grasp an incomplete ideal. The Apotheosis of Washington shows a reflective and confident America, but what is missing is a fuller understanding of the nature of community, individual dignity, and freedom.

The idea of progress is narrowly defined, and that narrow definition is actually still with us today, many times as it informs our debate here. We only tend to value things that we can actually measure—things like production, technology, and military victory—and they still rally us, and they are important.

But, as important as these things are, there is more to life; the more we have grown economically, the more we have grown technologically, the more our Nation groans. We have to be honest, and we have to ask ourselves: Why?

America is a far more complicated country than it was in Washington's time. It is not only due to our size and wealth and amazingly diverse population, but it is also due to rapidly advancing technology, a 24/7 news media cycle, and a highly competitive global marketplace that has made life more frenetic, more difficult, and, in some cases, much more alienating.

Today, there is widespread anxiety in our Nation over economic inequality, declining opportunity, and the concentration of both wealth and power,

as well as a new force that is expressing a loss of unity and community, and then combine that with this deep search for a sense of solidarity.

Madam Speaker, while Congress spends much of its time debating numbers, financing, and budgets, a vision for America in its fullest sense goes beyond just material dimensions. Our economic vitality must not only be measured in terms of efficiency and growth, but also in how well we advance the cause of human flourishing.

In spite of all of these reflective comments, this Friday, our Nation will actually pause, and we will pause for a very important reason: it is Veterans Day, and we will celebrate that tradition. So if you are starting to feel overwhelmed by our Nation's struggles, just talk to a veteran.

If you see these policy battles here as impossible to resolve, talk to a vet.

If you really do want to reconnect with the ties that bind us, speak to a veteran.

Madam Speaker, as we are painfully aware, it is not easy to make progress in Congress. Nevertheless, there are times when both parties and the administration come together for great good, and actions for veterans represent a unique and proper American opportunity to support the men and women who have served our country. So as we approach Veterans Day and consider how to celebrate this gift of being an American, if we need a reminder, just ask a vet.

□ 1930

Now, back to history for a moment, Madam Speaker.

We rightly mark our independence from the British as the beginning of a new nation, a new experiment in government based in the ideals of freedom. However, freedom most properly expressed is the freedom to do what we ought.

Unlinked to responsibility, to one another, and to higher ideals, freedom can become a meaningless wandering and a search for purpose; and progress, no matter how grand it is, is never an end in itself. Persons who are disconnected from one another, an economy that is uncaring, technology ever accelerating, these are dynamics that can actually be both beneficial, but also leave people behind. Independence from tyranny also means interdependence within community.

Now, Madam Speaker, the Capitol dome is over 150 years old. Until recently, chunks of iron—in fact, I saw one; it was nearly this big—were just falling off, and water was seeping through cracks. But now it is made whole again. The seams are repaired, and there is new, original-like glass and a fresh layer of protective coating. Why? Because we chose to do it. We didn't let it fall into ruin. We didn't lament its potential collapse. We chose to act.

So, Madam Speaker, if we cling to her ideals, this gift of America allows

us the freedom to preserve unity and to make genuine progress, which is the freedom to be whole.

As I approached my office here recently, there was a large crowd of men who had gathered outside my door. I assumed they were waiting to see me, and they were wearing camouflage shirts. There was some language on the front of the shirt. As I got closer, I could read it, and it said “United Mine Workers.” I thought, well, this is a bit peculiar to see United Mine Workers from Nebraska. Nonetheless, I engaged them in a conversation outside the door thinking I would escort them inside.

But they weren’t there to see me. They were there to see my neighbor, who represents the State of Kentucky, and that made a little more sense. Nevertheless, I greeted these men, and we had a very meaningful conversation about work, about security, and about fairness.

These men had spent their lives in very hard jobs. I am sure they proudly toiled to create reasonable livings for their families. They all now showed real signs of physical fatigue. They were in Washington to make a plea, a plea for their pensions, which are facing dramatic reductions.

A similar situation does exist in Nebraska for another group of workers. These men worked for a guarantee that they would be provided for when they could work no more. But given a confluence of factors, their pensions face a dramatic shortfall, and it is not fair.

I lived, Madam Speaker, for 2 years in the area where these men come from, in a town that had lost half its population in 20 years, in the old industrial Rust Belt where the post-World War II economic boom built a thriving, stable community, but now where globalized supply-side theory has had its most dramatic degenerating economic effect.

I said to these men: “You know that I know where you come from.” One of them hugged me.

Madam Speaker, our country is in pain. Epic hurricanes and floods, escalating urban violence and an opioid epidemic among those who are self-medicating their own mental or physical or financial anguish, a broken healthcare construct, the aftereffects of bitterly fought elections, and now another mass shooting have torn America’s heart apart.

In a vibrantly healthy society, there is space in a good, functional marketplace for fluidity, creativity, and innovation, and a person with an idea and the drive should be able to pursue it. The benefits accrue to the innovator as well as the buyer of the product, to the community as well, and those who give the effort. The point is this: a healthy economy is both individualistic and community-oriented at the same time.

Innovation and competition can be disruptive, but they must be set within a fair set of rules. When the system stacks to the wealthiest or is

outsourced by faceless corporations in the name of advancing quarterly profits, exploiting the poor elsewhere and damaging the environment, it sets in motion a series of things: lost jobs, lost community cohesion, and a breakdown of life’s stability.

Tie this to a loss of the formative institutions in our society of family life, faith life, and civic life, and we drift. We drift without a national narrative that can hold, and it makes it much more difficult to respond holistically, especially when we have tragedies such as the senseless horror in Las Vegas and now with the unthinkable at the First Baptist Church in Sutherland Springs, Texas.

But, again, Madam Speaker, I just have to pause and remind myself that, in spite of these difficulties, in spite of sometimes the darkness which can seem overwhelming due to a lack of unity, we will pause on Friday as a nation, and we will remember our veterans. If it is just too much and too overwhelming, if the debates in Congress are so bothersome and annoying, go talk to a vet about that deeper sense of who we are and what we still can be.

Madam Speaker, in the entryway of the municipal building in a little town of France called Sainte-Mere-Eglise, there hangs an American flag. It is the first thing you see when you walk into the mayor’s municipal building.

Sainte-Mere-Eglise was the site where our paratroopers landed prior to the D-day invasion. They landed in the midst of German troop formations and had to fight as they were coming down. One paratrooper got hung up on the church steeple and survived the battle. A replica of him still hangs there today.

The American flag in the mayor’s building, in the municipal building, is said to be the first American flag planted on the European continent during the war. It is displayed there in France in a government building proudly as a memorial in thanksgiving to America for what we did to save France and to save Europe from tyranny.

Now, Madam Speaker, most of us today think of war in the traditional construct. We fought with tanks, aircraft, ships, and infantry. But, again, we are in a rapidly advancing technological new age. Even in this age of drones and asymmetrical terror threats such as improvised explosive devices, most of us still see our defense through a conventional lens.

But warfare is changing fast and will continue to change. With the miniaturization of nuclear weapons, drones, and other technologies, we could see the potential for widespread destruction accelerate. We are entering an era that is unprecedented and unpredictable, born from the very technologies that heretofore ensured our own survival. What has emerged, Madam Speaker, is a tripolar world, simultaneously increasing both danger and, interestingly, opportunity.

On one pole stands China. As this country ascends to economic dominance, China is trying to pair its military clout with military projection in key lanes of commerce. The Communist Party leader, President Xi, projects himself as both a man of virtue and a man of dominance. In fact, *The Economist* magazine recently called him the world’s most powerful man.

At another pole stands Russia. Though they face demographic problems, Russia has, in many ways, raced ahead of us in weapons technology superiority. It could be argued that the Soviet era was an aberration, an actual aberration, of Russia’s long tradition of czarist rule. Seen in that light, Putin is a new czar type who has moved past Marxist ideology—Marxist theology, perhaps we should say—to recover Russian nationalistic poetry, purpose, and expansionistic power.

The third pole is less of a geographic or ideological proposition. It is an expression of higher ideals. Now, in traditional terms, Madam Speaker, we call this the Transatlantic Alliance, but, in broader terms, it is people from around the world who are guided by a reasoned intuitive sense that all persons have dignity and rights and that the systems of governance and economics ought to be ordered around that very proposition. When a person can exercise excellence for themselves in partnership with others in community, a community of possibility exists.

Because, in America, we believe these values are universal, we also believe that they are more potent than any ideology or accident of geography. That is the long arc of history—born in former ages and translated over time to our present day.

Now, given our vulnerabilities, we understandably and purposefully commit to technological superiority in weaponry. But, as a singular proposition, this is illogical because it cannot hold. The technological gap is closing. There must be more, and it is found in two pathways:

First, back to this idea of our own internal reflection as a country. Recently, we saw a Hollywood elite named Harvey Weinstein brought to shame for his manipulative perversions. Interestingly, this country had a flash of collective conscience. The curtain was raised on Hollywood’s dark hypocrisy. Almost all Americans were aghast, which, importantly, showed our capacity to value human dignity.

Second, Madam Speaker, a healthy national conscience gives us the credibility to reinvigorate and rebuild authentic relationships worldwide. By incentivizing good economic models and promoting government models that are fair, we can create the conditions for our own safety, the world’s stability, and the world’s security.

Madam Speaker, a couple weeks ago, I was on my way home from Washington to Nebraska. Driving from the airport, I saw a big, red pickup truck.

Now, that is not a very uncommon site in our State, except that on each side of the truck was a pole, and attached to each pole was an American flag blowing fiercely in the wind. Now, these flags were a bit tattered on the edges, but, nevertheless, they were proudly displayed just like at that little French town, Sainte-Mere-Eglise. It is my hope that this is the third pole that can truly hold for our good and the good of others across the world.

Now, Madam Speaker, we have talked a lot about the struggles, but closer to home and made in realtime policy, the House of Representatives has undertaken a sincere deliberation at the moment to assist in a structural change to our current economic construct—a new tax deal.

Now, this is what Andy from Nebraska wrote me recently. He said that he is very encouraged because “if it makes it into law, my back-of-the-napkin calculations show it could benefit my family by around \$5,500. For a family of four making about \$85,000 a year, that’s a big deal.”

□ 1945

Madam Speaker, Americans do need a break, especially working men and women trying to get a bit ahead, trying to provide for their families. For many, it is harder and harder. Around 50 percent of Americans live paycheck to paycheck. That is not fully a Tax Code problem. It is also the harsh reality of social fragmentation, downward mobility, and the rising cost of living.

Many forces of globalization have not benefited America, leaving millions behind and all too often forgotten. But tax reform can help, as long as it is fair and as simple as possible for the benefit of all.

We are living in an age where we cannot push the same old policies over and over again and expect them to fit into our 21st century architect of living.

Moving forward, I believe that the source and strength of the American economy will be in the new urbanism of small business, in which entrepreneurs from village to city will add value through small-scale manufacturing, innovative new products, or brokering in repair services. The conditions for entrepreneurial revival may be right on the horizon.

Madam Speaker, though the corporate structure of the 1950s has been made temporarily beguiling by the modest show called “Mad Men,” but no young person I know yearns to work for a company for 25 years and celebrate at the end with a gold watch. That era is over and our Tax Code is based on old constructs of what it means to be in business.

So, hopefully, as we work ourselves through this important debate, this bill will be sensitive to the needs of all Americans as it begins to push for a modernized revenue construct that no longer enables complex, lawyered-up, quarterly profit-driven multinationals

to unjustly benefit, for instance, from lower taxes abroad while taking advantage of tax loopholes here.

At the same time, it uses the carrot of lower rates to bring foreign profits back to America so that we can revive the Made in America label once again.

Madam Speaker, I have spoken tonight about our challenges both at home and abroad, but we know a truly just and good society can only be possible if we are both strong and safe.

One day, I was in the airport and something interesting happened. A number of troops were coming off an aircraft on the jetway. There was no announcement over the PA system. It just happened spontaneously. The terminal began to break out in applause. It just happened. People intuited that something was right here.

Of course, many people at this moment in our country’s history intuit that something is broken, but they also can sense when things are right. We can see it, like when we see our troops or we see a veteran, then our instinct emerges to recognize the nobility of self-sacrifice for one another, our country, and its timeless ideals. Our veterans have done so and our people know so.

When it just gets a little too overwhelming, Madam Speaker, ask a vet. When we lose touch with the source of our strength and greatness, talk to those who have put even possibly their lives on the line for that true source of American strength. Ask a vet.

When it seems as though the problems before us are intractable—how we are going to revive an economy that is good and fair to all; how we are going to create the stability necessary for the proper engagement and healthy engagement and exciting engagement with people from abroad; how will we create international stability—when it just seems too hard to get the mind around it, ask a vet who stood in the small village overseas, who may have had to fight their way in, but then offers a hand up to those who have been placed in harm’s way.

This Friday is an important holiday. It is a gift to be able to say thank you to our veterans.

Madam Speaker, may I inquire as to the amount of time remaining?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

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

LEAVE NO TAXPAYER BEHIND

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2017, the Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 30 minutes.

Mr. MCCLINTOCK. Madam Speaker, in the last four national elections, Americans made it clear that we won’t accept the economic stagnation that we have suffered during this past decade.

Mr. Obama’s policies of higher taxes and regulatory burdens suppressed eco-

nomical growth to a dismal 1½ percent annual average. That is about half of the post-war growth rate of 3 percent.

President Reagan averaged 3½ percent annual growth by reducing the tax and regulatory burdens crushing the economy. The result was one of the greatest economic expansions in American history.

The Trump administration has made significant progress on regulatory relief, as attested by rising wages, employment opportunities, and growing consumer confidence. But tax relief is vital to finish the job.

The imperative should be clear. The American corporate tax rate of 35 percent is the highest in the industrialized world. I know there are lots of special interest loopholes that go to politically connected companies that bring the effective rate down to 18.6 percent.

But that is precisely the problem. Many companies that haven’t gotten these breaks have simply fled the country, taking trillions of dollars and possibly millions of American jobs overseas. By closing the loopholes and lowering the rate to an internationally competitive 20 percent, economists tell us that we can add \$5 trillion to the American economy over the next decade. That averages about \$40,000 per family.

Those who dismiss this as tax cuts for wealthy corporations don’t understand the dirty little secret of corporate taxation: corporations do not pay corporate taxes. They only collect them.

There are only three possible sources from which they can collect them. The only people who pay corporate taxes are consumers, through higher prices; employees, through lower wages; and investors, through lower earnings. That is your pension and 401(k).

Lowering the corporate tax rate not only means restoring America’s global competitiveness, but it invariably translates into lower prices, higher wages, and greater returns on savings and investments.

The personal income tax side is also important, and this is where I become concerned that we are getting wrapped around the axle.

We have had several unpleasant surprises this past week: the 46 percent bubble bracket and now the Joint Committee on Taxation report that, over time, many in the middle class may end up paying higher income taxes.

Yes, the average taxpayer will pay less, but this raises the mystery of the 6-foot man who drowned in a pond whose average depth was 5 feet. It is now clear that some—perhaps many—families will see tax increases now, and more over time.

As desirable as tax simplification is, I wonder if it is a bridge too far, given the timetable we are on, the hyper-partisan political environment we are in, and the complexities of the Tax Code that are certain to continue to yield unpleasant and unintended consequences.

I urge our leadership and our Ways and Means Committee to consider leaving the personal income tax structure intact, but using the budget authority instead to provide a permanent, uniform, across-the-board reduction in the rates for all tax brackets.

Our back-of-the-envelope estimate is that, using the current framework, we can reduce tax brackets by a full 1 percent, averaging about \$600 of tax savings for joint filers. If we included the repeal of the individual mandate in ObamaCare, we could reduce all tax brackets by 1.35 percent, averaging about \$800 of lower taxes for joint filers.

I think there are four principal advantages to this approach:

First, it leaves no taxpayer behind. Whatever your circumstances, whatever the deductions you claim, you can be sure that your overall tax bill will go down.

Second, by reducing all marginal rates, it will increase the economic growth potential of the reform. Productivity depends on how much your next dollar is taxed.

That is the marginal rate. We can bring down the top marginal rate under this reform; whereas, under the current proposal, it not only stays where it is, but in the bubble bracket, it increases to 46 percent.

Third, these reforms can be communicated easily to the American people.

Fourth, it will remove a vast portion of the opposition that we are seeing among various business groups that imperils the entire bill.

Madam Speaker, the tax reform bill that emerges from these deliberations will ultimately be judged by the prosperity that it produces and the relief that it brings to all American families.

If it is done right, the tax reform bill now taking shape in Congress can deliver us to that day. But if it is done wrong, we will have squandered the most important chance the American people have given us to materially improve their lives.

I remember the Reagan era. Wages rose, opportunities for better jobs abounded, and everywhere you could sense the optimism that comes with prosperity and abundance. I want my kids to know what it is like when morning dawns again in the American economy. It is up to us in this Chamber to make it happen, so we must.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUELLAR (at the request of Ms. PELOSI) for today and November 9 on account of returning to district to support the community of Sutherland Springs.

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1015. An act to require the Federal Communications Commission to study the feasibility of designating a simple, easy-to-remember dialing code to be used for a national suicide prevention and mental health crisis hotline system; to the Committee on Energy and Commerce; in addition, to the Committee on Veterans' 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.

S. 1088. An act to require the collection of voluntary feedback on services provided by agencies, and for other purposes; to the Committee on Oversight and Government Reform.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3031. An act to amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes.

ADJOURNMENT

Mr. MCCLINTOCK. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 9, 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:

3131. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's Report of FY 2017 Audits, pursuant to 5 U.S.C. Sec. 8439(b) (1994 and Supp. III 1997), and 5 U.S.C. Sec. 8477(g); to the Committee on Oversight and Government Reform.

3132. A letter from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; The Endocrine System (RIN: 2900-AO44) received November 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3133. A letter from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Homeless Veterans (RIN: 2900-AQ07) received November 6, 2017, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Veterans' Affairs.

3134. A letter from the Secretary, Department of Veterans Affairs, transmitting a supplement to the Department of Veterans Affairs October 31, 2017 transmittal of the draft bill, the "Veteran Coordinated Access and Rewarding Experiences (CARE) Act

("the draft CARE Act"); to the Committee on Veterans' Affairs.

3135. A letter from the Inspector General, Office of Inspector General, Department of Health and Human Services, transmitting the Department's report entitled, "CMS Ensured Nearly All Part D Drug Records Contained Valid Prescriber Identifiers in 2016", pursuant to 42 U.S.C. 1395w-104(c)(4)(C); Public Law 114-10, title V, Sec. 507; (129 Stat. 169); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 3071. A bill to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes (Rept. 115-402). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOWDY: Committee on Oversight and Government Reform. H.R. 3244. A bill to amend title 5, United States Code, to provide for annual surveys of Federal employees, and for other purposes; with an amendment (Rept. 115-403). Referred to the Committee of the Whole House on the state of the Union.

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. KUSTOFF of Tennessee:

H.R. 4294. A bill to amend the Financial Stability Act of 2010 to provide a criminal penalty for unauthorized disclosures of certain individually identifiable information by officers or employees of a Federal department or agency; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN (for herself, Mr. DUNCAN of South Carolina, Mr. MCCLINTOCK, Mr. COLE, Mr. ALLEN, Mr. FRANKS of Arizona, Mr. SMITH of Texas, Mr. DUNCAN of Tennessee, Mr. BROOKS of Alabama, and Mr. GROTHMAN):

H.R. 4295. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. LUETKEMEYER (for himself and Mr. MEEKS):

H.R. 4296. A bill to place requirements on operational risk capital requirements for banking organizations established by an appropriate Federal banking agency; to the Committee on Financial Services.

By Mr. BUCSHON (for himself and Mr. GENE GREEN of Texas):

H.R. 4297. A bill to amend title XVIII of the Social Security Act to provide information regarding vaccines for seniors as part of the Medicare & You handbook and to ensure that the treatment of cost sharing for vaccines under Medicare part D is consistent with the

treatment of vaccines under Medicare part B, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HARTZLER:

H.R. 4298. A bill to amend the Food Security Act of 1985 to allow grazing as a mid-contract management practice in the conservation reserve program, and for other purposes; to the Committee on Agriculture.

By Mr. BISHOP of Utah (for himself, Mr. THORBERRY, and Mr. WILSON of South Carolina):

H.R. 4299. A bill to provide for the indefinite duration of certain military land withdrawals, to improve the management of lands currently subject to such withdrawals and to make the management of such lands more transparent, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, 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. HANABUSA (for herself and Mr. BISHOP of Utah):

H.R. 4300. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes; to the Committee on Natural Resources.

By Mr. NORMAN (for himself, Mr. WILSON of South Carolina, Mr. DUNCAN of South Carolina, Mr. SANFORD, Mr. RICE of South Carolina, Mr. CLYBURN, and Mr. GOWDY):

H.R. 4301. A bill to designate the facility of the United States Postal Service located at 201 Tom Hall Street in Fort Mill, South Carolina, as the "J. Elliott Williams Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TIPTON:

H.R. 4302. A bill to amend the Federal Reserve Act to create congressional accountability for emergency lending programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, 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. CAPUANO:

H.R. 4303. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to prohibit funding under the Edward Byrne Memorial Justice Assistance grant program and the Public Safety and Community Policing grant program to be provided to law enforcement agencies that use license plate readers unless certain conditions are met; to the Committee on the Judiciary.

By Mr. DESAULNIER (for himself, Mr. CARBAJAL, Mr. HUFFMAN, and Mr. SCOTT of Virginia):

H.R. 4304. A bill to provide whistleblower protections to certain workers in the offshore oil and gas industry; to the Committee on Education and the Workforce.

By Mr. DUNCAN of Tennessee:

H.R. 4305. A bill to amend the Federal Crop Insurance Act to prohibit payments of premium subsidy for harvest price policies; to the Committee on Agriculture.

By Mr. HUFFMAN (for himself and Mr. LOBIONDO):

H.R. 4306. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself and Miss RICE of New York):

H.R. 4307. A bill to provide for temporary emergency impact aid for local educational agencies; to the Committee on Education and the Workforce.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself and Mr. O'HALLERAN):

H.R. 4308. A bill to provide for grants to finance broadband transmission in certain rural areas; to the Committee on Agriculture, 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. MESSER:

H.R. 4309. A bill to codify Executive Order 13771, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRY (for himself, Mr. BROOKS of Alabama, Mr. DUNCAN of South Carolina, Mr. BIGGS, and Mr. NORMAN):

H.R. 4310. A bill to amend section 412(a)(2) of the Immigration and Nationality Act to require ratification of a plan with respect to a refugee by the legislature of a State before the refugee may be initially placed or resettled in the State, and for other purposes; to the Committee on the Judiciary.

By Mr. PITTINGER (for himself, Mr. NUNES, Mr. SMITH of New Jersey, Mrs. HARTZLER, Mr. YOHO, Mr. ROGERS of Alabama, Ms. DELAURO, Mr. GALLAGHER, Mrs. ROBY, Mr. LOEBSACK, Mr. HECK, Mr. WEBER of Texas, Mr. SAM JOHNSON of Texas, and Mr. CULBERSON):

H.R. 4311. A bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, Foreign Affairs, Intelligence (Permanent Select), Armed Services, and the Budget, 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. RENACCI (for himself, Mr. CHABOT, Mr. WENSTRUP, Mrs. BEATTY, Mr. JORDAN, Mr. LATTA, Mr. JOHNSON of Ohio, Mr. GIBBS, Mr. DAVIDSON, Ms. KAPTUR, Mr. TURNER, Ms. FUDGE, Mr. TIBERI, Mr. RYAN of Ohio, Mr. JOYCE of Ohio, and Mr. STIVERS):

H.R. 4312. A bill to amend title 38, United States Code, to ensure the Secretary of Veterans Affairs permits the display of Battlefield Crosses in national cemeteries; to the Committee on Veterans' Affairs.

By Ms. SANCHEZ:

H.R. 4313. A bill to amend the Fair Credit Reporting Act to provide protections for active duty military consumers, and for other purposes; to the Committee on Financial Services.

By Ms. TENNEY:

H.R. 4314. A bill to amend title 5, United States Code, to provide for the temporary halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government

Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VARGAS (for himself and Mr. POLIQUIN):

H.R. 4315. A bill to exclude from consideration as income under the United States Housing Act of 1937 certain veterans compensation and pensions, and for other purposes; to the Committee on Financial Services.

By Mr. WALZ (for himself and Mr. FORTENBERRY):

H.R. 4316. A bill to provide for the reform and continuation of the beginning farmer and rancher program, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Appropriations, 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. YOUNG of Alaska:

H.R. 4317. A bill to authorize the Federal Energy Regulatory Commission to issue an order continuing a stay of a hydroelectric license for the Mahoney Lake hydroelectric project in the State of Alaska, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Mr. WITTMAN, Ms. ROYBAL-ALLARD, Ms. GRANGER, and Mr. GENE GREEN of Texas):

H. Con. Res. 91. Concurrent resolution expressing the sense of Congress that public health professionals should be commended for their dedication and continued service to the United States on "Public Health Thank You Day", November 20, 2017; to the Committee on Energy and Commerce.

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. KUSTOFF of Tennessee:

H.R. 4294.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional Authority on which this bill rests is the explicit power of Congress to regulate in commerce in and among the states, as enumerated in Article I, Section 8, Clause 3, the Commerce Clause of the United States Constitution.

Additionally, Article I, Section 7, Clause 2 of the Constitution allows for every bill passed in the House of Representatives and the Senate and signed by the President to be codified into law; and therefore, implicitly allows Congress to repeal any bill that has been passed by both chambers and signed into law by the President.

By Mrs. BLACKBURN:

H.R. 4295.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 "necessary and proper" clause.

By Mr. LUETKEMEYER:

H.R. 4296.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause

3, the Commerce Clause, of the United States Constitution.

By Mr. BUCSHON:

H.R. 4297.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution.

By Mrs. HARTZLER:

H.R. 4298.

Congress has the power to enact this legislation pursuant to the following:

Article, I, Section 8, Clause 1 (The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States) of the United States Constitution.

By Mr. BISHOP of Utah:

H.R. 4299.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 16, to provide for the organizing of the armed forces of the United States; Clause 17 which allows Congress to exercise authority in support of the Armed Services for the establishment of needed military installations; and Clause 18 which provides general authority for all laws which may be "necessary and proper" in carrying out the foregoing powers.

By Ms. HANABUSA:

H.R. 4300.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. NORMAN:

H.R. 4301.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. TIPTON:

H.R. 4302.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3, "To regulate Commerce with foreign Nations, and among the several state and with the Indian Tribes;"

By Mr. CAPUANO:

H.R. 4303.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 8, Clause 1; Article I, Section 9, clause 7; Article I, Section 8, clause 18; and Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DESAULNIER:

H.R. 4304.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. DUNCAN of Tennessee:

H.R. 4305.

Congress has the power to enact this legislation pursuant to the following:

Article IV,

Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. HUFFMAN:

H.R. 4306.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

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By Mr. KING of New York:

H.R. 4307.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

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By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 4308.

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. MESSER:

H.R. 4309.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. PERRY:

H.R. 4310.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. PITTINGER:

H.R. 4311.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests the power of Congress to lay and collect duties and to regulate Commerce with foreign Nations, as enumerated in Article I, Section 8.

By Mr. RENACCI:

H.R. 4312.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. SÁNCHEZ:

H.R. 4313.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 18:

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 of Officer thereof.

By Ms. TENNEY:

H.R. 4314.

Congress has the power to enact this legislation pursuant to the following :

Article I, Section 8, Clause 18: The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. VARGAS:

H.R. 4315.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers (Article I, Section 8, Clauses 12, 13 and 14), and all

other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Mr. WALZ:

H.R. 4316.

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 I, Section 8 of the United States Constitution.

By Mr. YOUNG of Alaska:

H.R. 4317.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article IV, Section 3, Clause 2

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 93: Mr. PASCRELL.
 H.R. 158: Mr. THOMPSON of Mississippi.
 H.R. 169: Mr. GOMEZ.
 H.R. 176: Mr. LAMALFA and Mr. NORMAN.
 H.R. 179: Ms. MENG.
 H.R. 217: Mr. ALLEN.
 H.R. 233: Mr. LAWSON of Florida.
 H.R. 358: Mr. BARR.
 H.R. 483: Mr. MESSER.
 H.R. 501: Mr. BISHOP of Michigan.
 H.R. 559: Mr. WEBER of Texas, Mr. WALKER, and Mr. GIBBS.
 H.R. 579: Mr. LOEBSACK.
 H.R. 747: Mr. ROKITA.
 H.R. 807: Mr. FRELINGHUYSEN and Mr. KEATING.
 H.R. 894: Mrs. NOEM.
 H.R. 897: Mr. KATKO.
 H.R. 912: Mr. CORREA.
 H.R. 930: Mr. LOUDERMILK.
 H.R. 960: Mr. SMITH of New Jersey.
 H.R. 1038: Mr. GONZALEZ of Texas.
 H.R. 1178: Mr. GROTHMAN, Mr. WALBERG, and Mrs. BLACKBURN.
 H.R. 1192: Mr. DUNCAN of South Carolina and Mr. FLEISCHMANN.
 H.R. 1206: Ms. MATSUI.
 H.R. 1300: Ms. ROSEN and Mrs. MURPHY of Florida.
 H.R. 1406: Ms. PLASKETT and Ms. WILSON of Florida.
 H.R. 1444: Mr. KIND and Mr. RASKIN.
 H.R. 1456: Ms. DEGETTE and Ms. GRANGER.
 H.R. 1516: Mr. PANETTA.
 H.R. 1580: Mr. NOLAN.
 H.R. 1676: Mr. JOHNSON of Georgia and Mr. FRELINGHUYSEN.
 H.R. 1772: Mr. QUIGLEY and Mr. KIHUEN.
 H.R. 1775: Ms. SLAUGHTER.
 H.R. 1822: Mr. RUIZ.
 H.R. 1891: Mr. WOMACK.
 H.R. 1955: Mr. ZELDIN.
 H.R. 2022: Mr. STIVERS.
 H.R. 2044: Mr. SMITH of Washington, Mr. O'ROURKE, Ms. ROSEN, Mrs. DINGELL, and Mr. KRISHNAMOORTHY.
 H.R. 2147: Mr. BRENDAN F. BOYLE of Pennsylvania.
 H.R. 2245: Mr. LOWENTHAL.
 H.R. 2259: Ms. FRANKEL of Florida.
 H.R. 2267: Ms. MENG, Ms. NORTON, and Mr. JENKINS of West Virginia.
 H.R. 2306: Mr. JOHNSON of Georgia.
 H.R. 2309: Ms. MENG.
 H.R. 2320: Ms. MOORE.
 H.R. 2322: Ms. BROWNLEY of California.
 H.R. 2452: Mr. CROWLEY.
 H.R. 2510: Ms. SLAUGHTER.
 H.R. 2589: Mr. STIVERS and Mr. COSTELLO of Pennsylvania.
 H.R. 2598: Mr. HASTINGS and Mr. ENGEL.
 H.R. 2653: Mr. LANGEVIN.
 H.R. 2723: Mr. LUCAS, Mr. SMUCKER, and Mr. MITCHELL.

- H.R. 2740: Mr. TIPTON and Mr. LATTA.
H.R. 2760: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 2761: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 2817: Mr. BANKS of Indiana.
H.R. 2856: Mr. SIRES.
H.R. 2862: Ms. DELBENE.
H.R. 2999: Mr. FRELINGHUYSEN.
H.R. 3017: Ms. ESTY of Connecticut and Mr. KATKO.
H.R. 3034: Mr. COURTNEY, Ms. HERRERA BEUTLER, and Mr. SMITH of Washington.
H.R. 3117: Mr. CONAWAY and Mr. SESSIONS.
H.R. 3127: Mr. TIPTON.
H.R. 3128: Mr. TIPTON.
H.R. 3148: Mr. LOWENTHAL.
H.R. 3236: Mr. LONG.
H.R. 3272: Mr. YOHO, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. JACKSON LEE, Mrs. CAROLYN B. MALONEY of New York, Mr. DEFazio, Mr. KHANNA, Ms. WILSON of Florida, Mr. BROWN of Maryland, Mr. LOEBSACK, Ms. MATSUI, Mr. NOLAN, and Mr. GARAMENDI.
H.R. 3282: Mr. TIPTON.
H.R. 3315: Mr. KELLY of Pennsylvania.
H.R. 3345: Mr. CARSON of Indiana, Mrs. TORRES, and Mr. AL GREEN of Texas.
H.R. 3402: Mr. GROTHMAN.
H.R. 3409: Mr. AL GREEN of Texas and Mr. CÁRDENAS.
H.R. 3488: Mr. FRELINGHUYSEN.
H.R. 3513: Mr. CRAMER.
H.R. 3536: Ms. SLAUGHTER.
H.R. 3579: Ms. KUSTER of New Hampshire.
H.R. 3596: Mr. BISHOP of Utah, Ms. CLARKE of New York, Mr. GAETZ, Mr. STEWART, Mr. SCHNEIDER, Mr. UPTON, Mr. GONZALEZ of Texas, and Mr. MOOLENAAR.
H.R. 3632: Mr. NOLAN and Mr. LOWENTHAL.
H.R. 3642: Mrs. BROOKS of Indiana and Mr. WEBSTER of Florida.
H.R. 3671: Ms. BASS.
H.R. 3770: Mr. BISHOP of Michigan and Ms. GABBARD.
H.R. 3773: Ms. NORTON.
H.R. 3798: Mr. FRELINGHUYSEN.
H.R. 3913: Ms. MENG.
H.R. 3979: Mr. TIPTON.
H.R. 4006: Ms. LOFGREN and Mr. CÁRDENAS.
H.R. 4013: Mr. LANGEVIN.
H.R. 4030: Ms. CASTOR of Florida.
H.R. 4072: Ms. LOFGREN and Ms. LEE.
H.R. 4090: Mr. COHEN.
H.R. 4099: Mr. PERLMUTTER.
H.R. 4114: Mr. CARSON of Indiana and Ms. SCHAKOWSKY.
H.R. 4124: Mr. CICILLINE, Mr. SANFORD, and Ms. JAYAPAL.
H.R. 4135: Ms. SINEMA.
H.R. 4140: Mr. O'ROURKE.
H.R. 4143: Mr. JOHNSON of Ohio and Mr. COHEN.
H.R. 4177: Mr. MEADOWS and Mr. WELCH.
H.R. 4184: Mr. SOTO.
H.R. 4195: Mrs. WATSON COLEMAN and Ms. ROSEN.
H.R. 4207: Mr. MOOLENAAR and Mr. TROTT.
H.R. 4222: Mr. LOWENTHAL, Mr. PETERS, and Ms. MOORE.
H.R. 4234: Mr. LANGEVIN.
H.R. 4238: Mr. MCCAUL.
H.R. 4239: Mr. HUDSON.
H.R. 4253: Mr. BROWN of Maryland, Mr. GALLEG0, and Mr. PALLONE.
H.R. 4261: Mr. JONES and Mr. BLUMENAUER.
H.R. 4290: Mr. O'HALLERAN, Ms. WASSERMAN SCHULTZ, Ms. ROSEN, Ms. JAYAPAL, and Mr. RASKIN.
H. Con. Res. 27: Mr. CARTWRIGHT.
H. Con. Res. 61: Mr. HULTGREN, Mr. ABRAHAM, Mr. LANCE, Mr. THOMAS J. ROONEY of Florida, and Mr. PEARCE.
H. Con. Res. 81: Mr. ESPAILLAT and Mr. O'ROURKE.
H. Res. 264: Mr. TONKO.
H. Res. 327: Ms. TSONGAS.
H. Res. 393: Mr. KHANNA, Ms. BROWNLEY of California, Ms. NORTON, Mr. DEUTCH, Ms. LEE, Ms. FRANKEL of Florida, Mr. SCHIFF, Ms. TITUS, Mr. CONNOLLY, Mr. ESPAILLAT, Mr. SIRES, and Mr. MEEKS.
H. Res. 401: Ms. PLASKETT and Mr. ROYCE of California.
H. Res. 570: Mr. WEBER of Texas and Mr. BIGGS.
H. Res. 576: Mr. SESSIONS.
H. Res. 582: Mr. HILL.
H. Res. 604: Mr. DELANEY, Mr. TROTT, Mr. KELLY of Pennsylvania, and Mr. CROWLEY.
H. Res. 606: Mr. FRANKS of Arizona.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

- H. Res. 576: Mr. HUNTER.