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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

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

Merciful God, we give You thanks for giving us another day.

As Members prepare to return to their home districts, endow them with ears to hear the voices of their constituents—those who voted for them and those who did not. It is the strength of our representative democracy that all have a voice in the governing of the Nation.

Our Nation will soon be remembering Presidents Washington and Lincoln, giants of America's history. One presided over a Nation united in its inception behind their President, the other over a Nation divided soon after his election. May each of their examples be an inspiration to all Americans that faithfulness to the laws of our land and the hope of our Founders is the responsibility of us all to bring to our political discourse.

Bless us this day and every day. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SCHIFF led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

HONORING DONALD ''BUDDY'' WRAY

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

Mr. WOMACK. Mr. Speaker, I rise today to honor Donald ''Buddy'' Wray, a great Arkansan and American, a dear friend who passed away in January.

A native of Des Arc, Buddy earned a bachelor's degree in animal husbandry from the University of Arkansas. He spent time in the Army and later the Army Guard before joining a small poultry company in 1961 called Tyson Feed and Hatchery, today known as Tyson Foods.

For over 50 years, Buddy was instrumental in everything the company did. As president and COO, he helped build Tyson Foods into one of the world's leading food companies and a major contributor to our State's economy.

In addition to his career, Buddy was also dedicated to the northwest Arkansas community, especially Springdale. He was a member of the Kiwanis Club and served on countless boards—Harding University, the University of Arkansas, and the College of the Ozarks, to name a few. He was also a man of faith, dedicated to the Robinson Avenue Church of Christ in Springdale.

Buddy will be missed by his many family members, countless friends, the community, and the Tyson Foods family, but we find comfort in remembering Buddy's famous words: ''Look behind with no regrets . . . look forward with no fear.'' Knowing his determination to live that message resulted in a life that made a difference.

Rest in peace, Buddy Wray.

EULICE BRANDON GARRETT

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

Ms. KELLY of Illinois. Mr. Speaker, I rise today to recognize Eulice Brandon Garrett, who, after nearly 3 years of serving the Windy City and Illinois' Second Congressional District as my chief of staff, is leaving for the sunny skies of L.A.

BG, as he is affectionately known, is exactly the type of servant leader this country deserves.

Brandon began his career in 2006 as a policy adviser to Congressman Bill Jefferson of Louisiana. Later he served as legislative director to Congresswoman MARCIA FUDGE of Ohio and policy director of the Congressional Black Caucus.

After a brief stint as policy director to Vice President JOE BIDEN's 2012 reelection campaign, I was lucky to have Brandon take a gamble on me and agree to serve as my chief of staff. For nearly 3 years, he has worked tirelessly for the residents of the Second Congressional District.

BG, you are truly one of a kind, from your very unique fashion to your quick smile and your cool demeanor and ability to make everyone you meet feel like they are your best friend. It was my honor and privilege to call you my chief.

On behalf of the families of the Second Congressional District and this Congress, thank you.

RETIRED U.S. AIR FORCE COLONEL CARLYLE ''SMITTY'' HARRIS

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

Printed on recycled paper.

Mr. KELLY of Mississippi. Mr. Speaker, today I rise to recognize retired United States Air Force Colonel Carlyle ''Smitty'' Harris of Tupelo, Mississippi.

On this day in 1973, after nearly 8 years of being held as a prisoner of war in Vietnam, he was released to be reunited with his wife, Louise; his daughters, Robin and Carolyn; and his son, Lyle, who was born 1 month after he was captured.

Colonel Harris became a POW on April 4, 1965, when his F–105 Thunderchief was shot down by enemy fire while he was on a mission to attack a bridge known as the Dragon's Jaw, an important target in northern Vietnam. After he was captured, he was then transported to the well-known Hanoi Hilton.

Colonel Harris taught his fellow prisoners a vital way of communicating with each other through a method called the tap code. This gave the men the ability to communicate without speaking, establishing a chain of command and boosting morale. While he experienced cruelty, torture, and isolation, he was able to find solace in his faith in God, love for his country, and hope of seeing his family again.

Colonel Harris embodies the characteristics that make you proud to be an American.

Thank you, Colonel Harris, for your service. I join you in celebrating this happy anniversary of your homecoming.

PORTER RANCH

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

Mr. SCHIFF. Mr. Speaker, I rise today to discuss the environmental tragedy affecting residents in Porter Ranch.

Just a few miles from my district, and until yesterday, methane gas continued to leak into the air from one of the wells, spewing 110,000 pounds of methane per hour. This leak began last October. The full health and environmental impacts of this unmitigated disaster may not be known for many years, and already it has displaced thousands of families and caused innumerable illnesses and property losses.

Today I am calling on the U.S. Department of Energy to lead a comprehensive investigation into what caused this leak, its inadequate response, and to provide recommendations for mitigating the damage and preventing future incidents. This tragedy must never be repeated.

Between Porter Ranch and Flint, Michigan, it is clear that both the government and the private sector are far from placing the priority we need on our families' health and their safety.

SPECIAL OLYMPICS IN PENNSYLVANIA

(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, earlier this week, I was honored to host Christa Mereen in Washington. Christa has competed in the Special Olympics as an athlete for 15 years. Recently, more than 300 athletes participated in the winter games in Pennsylvania, with 135 coaches and more than 1,000 volunteers.

Pennsylvania's Special Olympics includes many athletes from Pennsylvania's Fifth Congressional District, including Potter County athlete Denise Menderler. Denise is highly accomplished, having earned 110 medals, including many gold honors. Denise gives back to her community as a peer advocate and a Potter County Human Services Advisory Board member. Denise's story is just like so many who participate in the Special Olympics who rise above challenges and excel in sports, from skiing to figure skating, speed skating, and snow shoeing.

Mr. Speaker, on March 5 and 6, the skills of our Special Olympians will again be on display at the State Floor Hockey Tournament at Bald Eagle Area High School in my home district. I look forward to seeing them compete in person.

NORTH CAROLINA PANTHERS

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

Ms. ADAMS. Mr. Speaker, I rise today to highlight the NFC Champion North Carolina Panthers. I have the privilege of representing North Carolina's 12th Congressional District in Congress, home to the beloved Panthers.

Week after week, the Panthers gave their game their all and breezed through the season nearly undefeated. With each game came new rounds of support as the Carolina fan base swarmed to uncharted numbers. I am certain the Carolina Panthers put in long and hard hours of practice which led them to Super Bowl 50. The Panthers have had an amazing season.

I know I speak for all North Carolina fans when I say the Panthers did an amazing job making North Carolina proud to call them their home team. What a phenomenal trek to the Super Bowl.

To Carolina's own NFL MVP, Cam Newton, thanks for leading the charge and inspiring so many fans, young and old.

Based off this season's performance, I know that next year the Panthers will keep pounding all the way to Super Bowl LI and bring home the Lombardi Trophy.

Keep pounding.

UNITED SERVICE ORGANIZATIONS' 75TH ANNIVERSARY

(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, I rise today to recognize the 75th anniversary of the United Service Organizations, known to all of us as the USO.

For 75 years, the USO has supported and strengthened the life of our servicemembers and their families at home and throughout the more than 160 countries in the world.

I am deeply grateful for those who serve our Nation, as I have had loved ones proudly wearing our Nation's uniform, and still do.

USO goes above and beyond to adapt its programs to our servicemembers' needs. They boost morale by helping them connect with their families and their home while overseas, as well as assisting with the transition back to civilian life and providing support and care for the wounded and for the families of the fallen. That is why, Mr. Speaker, I am so pleased to pay tribute to the outstanding commitment of the USO and their excellent work over the last 75 years.

TALLAHASSEE DEMOCRAT'S 25 WOMEN YOU NEED TO KNOW

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

Ms. GRAHAM. Mr. Speaker, today I stand to bring attention to the Tallahassee Democrat's 25 Women You Need to Know.

For 10 years, the Democrat has named 25 women who deserve recognition from our community. These women have not only excelled in their professional careers, but they also donate their time and talents toward volunteering and giving back to our community.

For the second year in a row, the paper is also naming five young women to watch: Bliss Wilson, Cassidy Craig, Jordyn Berrian, Micah Joyner, and Zenani D. Johnson. These young women are only in high school but already have impressive resumes, and I know they are going to go on to do great things.

Mr. Speaker, I thank the Democrat for their service to our community in recognizing these women, and I applaud this year's 25 women and 5 young women on all of their accomplishments.

NEW OIL TAXES COST AMERICAN FAMILIES

(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, President Obama has proposed a new $10-per-barrel tax on oil. That represents 24 cents in new taxes on every gallon of gas. That is right, 24 cents per gallon of new cost for families. When families are finally feeling the benefit of lower cost fuel, this President proposes a

plan to take those savings away from families.

Worse, this new tax on driving will actually go to fund pie-in-the-sky government boondoggles like California's high-speed rail projects and many other pet projects of the President. That pet project in California has tripled in price since its first inception.

The American people paid a record amount of taxes last year to the Treasury, over $3.2 trillion, or nearly $22,000 per working American; yet there are those in government who still want to take more and spend more.

I say ''no''—no more taxes on the American family; no more wasted billions of dollars on the President's and California Governor Brown's pet projects.

I urge my colleagues to join me and put this country, instead, on a balanced budget track.

RECOGNIZING MARTIN GROSS

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

Ms. KUSTER. Mr. Speaker, today I rise to remember a wonderful man, former mayor of Concord, New Hampshire, Martin Gross. Marty was a pillar of the Granite State community; and, to me, he was a beloved mentor, teacher, and friend.

As mayor of Concord, he gave so much to the city I grew up in. We see the effects of his legacy every day, walking down the streets of the historic city he helped restore and bring to life.

As a prominent lawyer, he was known among his colleagues for being a mentor to young lawyers who looked up to him and strove to follow in his footsteps as they learned to love the law.

As an activist, he inspired generations of Granite Staters to give back to their community, whether through community service, volunteering, or running for office.

As a strategist for generations of New Hampshire politicians, he helped make the dream of public service a reality.

Let's all join together to remember Martin, a man whose friendship, loyalty, kindheartedness, and dedication to his town, State, and community will never be forgotten.

□ 0915

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2016

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 757) to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''North Korea Sanctions and Policy Enhancement Act of 2016''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

Sec. 101. Statement of policy.
Sec. 102. Investigations.
Sec. 103. Reporting requirements.
Sec. 104. Designation of persons.
Sec. 105. Forfeiture of property.

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, AND ILLICIT ACTIVITIES

Sec. 201. Determinations with respect to North Korea as a jurisdiction of primary money laundering concern.
Sec. 202. Ensuring the consistent enforcement of United Nations Security Council resolutions and financial restrictions on North Korea.
Sec. 203. Proliferation prevention sanctions.
Sec. 204. Procurement sanctions.
Sec. 205. Enhanced inspection authorities.
Sec. 206. Travel sanctions.
Sec. 207. Travel recommendations for United States citizens to North Korea.
Sec. 208. Exemptions, waivers, and removals of designation.
Sec. 209. Report on and imposition of sanctions to address persons responsible for knowingly engaging in significant activities undermining cybersecurity.
Sec. 210. Codification of sanctions with respect to North Korean activities undermining cybersecurity.
Sec. 211. Sense of Congress on trilateral cooperation between the United States, South Korea, and Japan.

TITLE III—PROMOTION OF HUMAN RIGHTS

Sec. 301. Information technology.
Sec. 302. Strategy to promote North Korean human rights.
Sec. 303. Report on North Korean prison camps.
Sec. 304. Report on and imposition of sanctions with respect to serious human rights abuses or censorship in North Korea.

TITLE IV—GENERAL AUTHORITIES

Sec. 401. Suspension of sanctions and other measures.
Sec. 402. Termination of sanctions and other measures.
Sec. 403. Authorization of appropriations.
Sec. 404. Rulemaking.
Sec. 405. Authority to consolidate reports.
Sec. 406. Effective date.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Government of North Korea—

(A) has repeatedly violated its commitments to the complete, verifiable, and irreversible dismantlement of its nuclear weapons programs; and

(B) has willfully violated multiple United Nations Security Council resolutions calling for North Korea to cease development, testing, and production of weapons of mass destruction.

(2) Based on its past actions, including the transfer of sensitive nuclear and missile technology to state sponsors of terrorism, North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and other illicit activities, including—

(A) prohibited arms sales;

(B) narcotics trafficking;

(C) the counterfeiting of United States currency;

(D) significant activities undermining cybersecurity; and

(E) the counterfeiting of intellectual property of United States persons.

(4) North Korea has—

(A) unilaterally withdrawn from the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ''Korean War Armistice Agreement''); and

(B) committed provocations against South Korea—

(i) by sinking the warship Cheonan and killing 46 of her crew on March 26, 2010;

(ii) by shelling Yeonpyeong Island and killing 4 South Korean civilians on November 23, 2010;

(iii) by its involvement in the ''DarkSeoul'' cyberattacks against the financial and communications interests of South Korea on March 20, 2013; and

(iv) by planting land mines near a guard post in the South Korean portion of the demilitarized zone that maimed 2 South Korean soldiers on August 4, 2015.

(5) North Korea maintains a system of brutal political prison camps that contain as many as 200,000 men, women, and children, who are—

(A) kept in atrocious living conditions with insufficient food, clothing, and medical care; and

(B) under constant fear of torture or arbitrary execution.

(6) North Korea has prioritized weapons programs and the procurement of luxury goods—

(A) in defiance of United Nations Security Council Resolutions 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013); and

(B) in gross disregard of the needs of the people of North Korea.

(7) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea's use of such transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods—

(A) aid and abet North Korea's misuse of the international financial system; and

(B) violate the intent of the United Nations Security Council resolutions referred to in paragraph (6)(A).

(8) The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks, including against Sony Pictures Entertainment and other United States persons.

(9) The conduct of the Government of North Korea poses an imminent threat to—

(A) the security of the United States and its allies;

(B) the global economy;

(C) the safety of members of the United States Armed Forces;

(D) the integrity of the global financial system;

(E) the integrity of global nonproliferation programs; and

(F) the people of North Korea.

(10) The Government of North Korea has sponsored acts of international terrorism, including—

(A) attempts to assassinate defectors and human rights activists; and

(B) the shipment of weapons to terrorists and state sponsors of terrorism.

(b) PURPOSES.—The purposes of this Act are—

(1) to use nonmilitary means to address the crisis described in subsection (a);

(2) to provide diplomatic leverage to negotiate necessary changes in the conduct of the Government of North Korea;

(3) to ease the suffering of the people of North Korea; and

(4) to reaffirm the purposes set forth in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE EXECUTIVE ORDER.—The term ''applicable Executive order'' means—

(A) Executive Order 13382 (50 U.S.C. 1701 note; relating to blocking property of weapons of mass destruction proliferators and their supporters), Executive Order 13466 (50 U.S.C. 1701 note; relating to continuing certain restrictions with respect to North Korea and North Korean nationals), Executive Order 13551 (50 U.S.C. 1701 note; relating to blocking property of certain persons with respect to North Korea), Executive Order 13570 (50 U.S.C. 1701 note; relating to prohibiting certain transactions with respect to North Korea), Executive Order 13619 (50 U.S.C. 1701 note; relating to blocking property of persons threatening the peace, security, or stability of Burma), Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea), or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea; and

(B) any Executive order adopted on or after the date of the enactment of this Act, to the extent that such Executive order—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea.

(2) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION.—The term ''applicable United Nations Security Council resolution'' means—

(A) United Nations Security Council Resolution 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), or 2094 (2013); and

(B) any United Nations Security Council resolution adopted on or after the date of the enactment of this Act that—

(i) authorizes the imposition of sanctions on persons for conduct with respect to North Korea;

(ii) prohibits transactions or activities involving the Government of North Korea; or

(iii) otherwise imposes sanctions with respect to North Korea.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(4) DESIGNATED PERSON.—The term ''designated person'' means a person designated under subsection (a) or (b) of section 104 for purposes of applying 1 or more of the sanctions described in title I or II with respect to the person.

(5) GOVERNMENT OF NORTH KOREA.—The term ''Government of North Korea'' means the Government of North Korea and its agencies, instrumentalities, and controlled entities.

(6) HUMANITARIAN ASSISTANCE.—The term ''humanitarian assistance'' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies, clothing, and shelter.

(7) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(8) LUXURY GOODS.—The term ''luxury goods''—

(A) has the meaning given such term in section 746.4(b)(1) of title 15, Code of Federal Regulations; and

(B) includes the items listed in Supplement No. 1 to part 746 of such title, and any similar items.

(9) MONETARY INSTRUMENTS.—The term ''monetary instruments'' has the meaning given such term in section 5312(a) of title 31, United States Code.

(10) NORTH KOREA.—The term ''North Korea'' means the Democratic People's Republic of Korea.

(11) NORTH KOREAN FINANCIAL INSTITUTION.—The term ''North Korean financial institution'' means any financial institution that—

(A) is organized under the laws of North Korea or any jurisdiction within North Korea (including a foreign branch of such an institution);

(B) is located in North Korea, except for a financial institution that is excluded by the President in accordance with section 208(c);

(C) is owned or controlled by the Government of North Korea, regardless of location; or

(D) is owned or controlled by a financial institution described in subparagraph (A), (B), or (C), regardless of location.

(12) SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.—The term ''significant activities undermining cybersecurity'' includes—

(A) significant efforts to—

(i) deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or

(ii) exfiltrate information from such a system or network without authorization;

(B) significant destructive malware attacks;

(C) significant denial of service activities; and

(D) such other significant activities described in regulations promulgated to implement section 104.

(13) SOUTH KOREA.—The term ''South Korea'' means the Republic of Korea.

(14) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

SEC. 101. STATEMENT OF POLICY.

In order to achieve the peaceful disarmament of North Korea, Congress finds that it is necessary—

(1) to encourage all member states of the United Nations to fully and promptly implement United Nations Security Council Resolution 2094 (2013);

(2) to sanction the persons, including financial institutions, that facilitate proliferation, illicit activities, arms trafficking, cyberterrorism, imports of luxury goods, serious human rights abuses, cash smuggling, and censorship by the Government of North Korea;

(3) to authorize the President to sanction persons who fail to exercise due diligence to ensure that such financial institutions and member states do not facilitate proliferation, arms trafficking, kleptocracy, or imports of luxury goods by the Government of North Korea;

(4) to deny the Government of North Korea access to the funds it uses to develop or obtain nuclear weapons, ballistic missiles, cyberwarfare capabilities, and luxury goods instead of providing for the needs of the people of North Korea; and

(5) to enforce sanctions in a manner that does not significantly hinder or delay the efforts of legitimate United States or foreign humanitarian organizations from providing assistance to meet the needs of civilians facing humanitarian crisis, including access to food, health care, shelter, and clean drinking water, to prevent or alleviate human suffering.

SEC. 102. INVESTIGATIONS.

(a) INITIATION.—The President shall initiate an investigation into the possible designation of a person under section 104(a) upon receipt by the President of credible information indicating that such person has engaged in conduct described in section 104(a).

(b) PERSONNEL.—The President may direct the Secretary of State, the Secretary of the Treasury, and the heads of other Federal departments and agencies as may be necessary to assign sufficient experienced and qualified investigators, attorneys, and technical personnel—

(1) to investigate the conduct described in subsections (a) and (b) of section 104; and

(2) to coordinate and ensure the effective enforcement of this Act.

SEC. 103. REPORTING REQUIREMENTS.

(a) PRESIDENTIAL BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide a briefing to the appropriate congressional committees on efforts to implement this Act.

(b) REPORT FROM SECRETARY OF STATE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall conduct, coordinate, and submit to Congress a comprehensive report on United States policy towards North Korea that—

(1) is based on a full and complete interagency review of current policies and possible alternatives, including with respect to North Korea's weapons of mass destruction and missile programs, human rights atrocities, and significant activities undermining cybersecurity; and

(2) includes recommendations for such legislative or administrative action as the Secretary considers appropriate based on the results of the review.

SEC. 104. DESIGNATION OF PERSONS.

(a) MANDATORY DESIGNATIONS.—Except as provided in section 208, the President shall designate under this subsection any person that the President determines—

(1) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from North Korea any goods, services, or technology controlled for export by the United States because of the use of such goods, services, or technology for weapons of mass destruction or delivery systems for such weapons and materially contributes to the use, development, production, possession, or acquisition by any person of a nuclear, radiological, chemical, or biological weapon or any device or system designed in whole or in part to deliver such a weapon;

(2) knowingly, directly or indirectly, provides training, advice, or other services or assistance, or engages in significant financial transactions, relating to the manufacture, maintenance, or use of any such weapon, device, or system to be imported, exported, or reexported to, into, or from North Korea;

(3) knowingly, directly or indirectly, imports, exports, or reexports luxury goods to or into North Korea;

(4) knowingly engages in, is responsible for, or facilitates censorship by the Government of North Korea;

(5) knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea;

(6) knowingly, directly or indirectly, engages in money laundering, the counterfeiting of goods or currency, bulk cash smuggling, or narcotics trafficking that supports the Government of North Korea or any senior official or person acting for or on behalf of that Government;

(7) knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea;

(8) knowingly, directly or indirectly, sells, supplies, or transfers to or from the Government of North Korea or any person acting for or on behalf of that Government, a significant amount of precious metal, graphite, raw or semi-finished metals or aluminum, steel, coal, or software, for use by or in industrial processes directly related to weapons of mass destruction and delivery systems for such weapons, other proliferation activities, the Korean Workers' Party, armed forces, internal security, or intelligence activities, or the operation and maintenance of political prison camps or forced labor camps, including outside of North Korea;

(9) knowingly, directly or indirectly, imports, exports, or reexports to, into, or from North Korea any arms or related materiel; or

(10) knowingly attempts to engage in any of the conduct described in paragraphs (1) through (9).

(b) ADDITIONAL DISCRETIONARY DESIGNATIONS.—

(1) PROHIBITED CONDUCT DESCRIBED.—Except as provided in section 208, the President may designate under this subsection any person that the President determines—

(A) knowingly engages in, contributes to, assists, sponsors, or provides financial, material or technological support for, or goods and services in support of, any person designated pursuant to an applicable United Nations Security Council resolution;

(B) knowingly contributed to—

(i) the bribery of an official of the Government of North Korea or any person acting for on behalf of that official;

(ii) the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, an official of the Government of North Korea or any person acting for or on behalf of that official; or

(iii) the use of any proceeds of any activity described in clause (i) or (ii); or

(C) knowingly and materially assisted, sponsored, or provided significant financial, material, or technological support for, or goods or services to or in support of, the activities described in subparagraph (A) or (B).

(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President may—

(A) apply the sanctions described in section 204, 205(c), or 206 to the person to the same extent and in the same manner as if the person were designated under subsection (a);

(B) apply any applicable special measures described in section 5318A of title 31, United States Code;

(C) prohibit any transactions in foreign exchange—

(i) that are subject to the jurisdiction of the United States; and

(ii) in which such person has any interest; and

(D) prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments—

(i) are subject to the jurisdiction of the United States; and

(ii) involve any interest of such person.

(c) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a designated person, the Government of North Korea, or the Workers' Party of Korea, if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) APPLICATION TO SUBSIDIARIES AND AGENTS.—The designation of a person under subsection (a) or (b) and the blocking of property and interests in property under subsection (c) shall apply with respect to a person who is determined to be owned or controlled by, or to have acted or purported to have acted for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section.

(e) TRANSACTION LICENSING.—The President shall deny or revoke any license for any transaction that the President determines to lack sufficient financial controls to ensure that such transaction will not facilitate any activity described in subsection (a) or (b).

(f) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to any person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition of this section, or an order or regulation prescribed under this section, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of such Act (50 U.S.C. 1705(a)).

SEC. 105. FORFEITURE OF PROPERTY.

(a) AMENDMENT TO PROPERTY SUBJECT TO FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(I) Any property, real or personal, that is involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a prohibition imposed pursuant to section 104(a) of the North Korea Sanctions and Policy Enhancement Act of 2016.''.

(b) AMENDMENT TO DEFINITION OF CIVIL FORFEITURE STATUTE.—Section 983(i)(2)(D) of title 18, United States Code, is amended to read as follows:

''(D) the Trading with the Enemy Act (50 U.S.C. 4301 et seq.), the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the North Korea Sanctions Enforcement Act of 2016; or''.

(c) AMENDMENT TO DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking ''or section 92 of'' and inserting ''section 92 of''; and

(2) by adding at the end the following: '', or section 104(a) of the North Korea Sanctions Enforcement Act of 2016 (relating to prohibited activities with respect to North Korea);''.

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, AND ILLICIT ACTIVITIES

SEC. 201. DETERMINATIONS WITH RESPECT TO NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Under Secretary of the Treasury for Terrorism and Financial Intelligence, who is responsible for safeguarding the financial system against illicit use, money laundering, terrorist financing, and the proliferation of weapons of mass destruction, and has repeatedly expressed concern about North Korea's misuse of the international financial system—

(A) in 2006—

(i) stated, ''Given [North Korea's] counterfeiting of U.S. currency, narcotics trafficking and use of accounts world-wide to conduct proliferation-related transactions, the line between illicit and licit North Korean money is nearly invisible.''; and

(ii) urged financial institutions worldwide to ''think carefully about the risks of doing any North Korea-related business'';

(B) in 2011, stated that North Korea—

(i) ''remains intent on engaging in proliferation, selling arms as well as bringing in material''; and

(ii) was ''aggressively pursuing the effort to establish front companies.''; and

(C) in 2013, stated—

(i) in reference to North Korea's distribution of high-quality counterfeit United States currency, that ''North Korea is continuing to try to pass a supernote into the international financial system''; and

(ii) the Department of the Treasury would soon introduce new currency with improved security features to protect against counterfeiting by the Government of North Korea.

(2) The Financial Action Task Force, an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing, has repeatedly—

(A) expressed concern at deficiencies in North Korea's regimes to combat money laundering and terrorist financing;

(B) urged North Korea to adopt a plan of action to address significant deficiencies in those regimes and the serious threat those deficiencies pose to the integrity of the international financial system;

(C) urged all jurisdictions to apply countermeasures to protect the international financial system from ongoing and substantial money laundering and terrorist financing risks emanating from North Korea;

(D) urged all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with North Korea, including North Korean companies and financial institutions; and

(E) called on all jurisdictions—

(i) to protect against correspondent relationships being used to bypass or evade countermeasures and risk mitigation practices; and

(ii) to take into account money laundering and terrorist financing risks when considering requests by North Korean financial institutions to open branches and subsidiaries in their respective jurisdictions.

(3) On March 7, 2013, the United Nations Security Council unanimously adopted Resolution 2094, which—

(A) welcomed the Financial Action Task Force's—

(i) recommendation on financial sanctions related to proliferation; and

(ii) guidance on the implementation of such sanctions;

(B) decided that United Nations member states should apply enhanced monitoring and other legal measures to prevent the provision of financial services or the transfer of property that could contribute to activities prohibited by applicable United Nations Security Council resolutions; and

(C) called upon United Nations member states to prohibit North Korean financial institutions from establishing or maintaining correspondent relationships with financial institutions in their respective jurisdictions to prevent the provision of financial services if such member states have information that provides reasonable grounds to believe that such activities could contribute to—

(i) activities prohibited by an applicable United Nations Security Council resolution; or

(ii) the evasion of such prohibitions.

(b) SENSE OF CONGRESS REGARDING THE DESIGNATION OF NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on, and to require the enhanced monitoring of, transactions involving North Korean financial institutions that could contribute to sanctioned activities;

(2) urges the President, in the strongest terms—

(A) to immediately designate North Korea as a jurisdiction of primary money laundering concern; and

(B) to adopt stringent special measures to safeguard the financial system against the risks posed by North Korea's willful evasion of sanctions and its illicit activities; and

(3) urges the President to seek the prompt implementation by other countries of enhanced monitoring and due diligence to prevent North Korea's misuse of the international financial system, including by sharing information about activities, transactions, and property that could contribute to—

(A) activities sanctioned by applicable United Nations Security Council resolutions; or

(B) the evasion of such sanctions.

(c) DETERMINATIONS REGARDING NORTH KOREA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, and in accordance with section 5318A of title 31, United States Code, shall determine whether reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern.

(2) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—If the Secretary of the Treasury determines under paragraph (1) that reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)), shall impose 1 or more of the special measures described in section 5318A(b) of title 31, United States Code, with respect to the jurisdiction of North Korea.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary of the Treasury makes a determination under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report that contains the reasons for such determination.

(B) FORM.—The report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

SEC. 202. ENSURING THE CONSISTENT ENFORCEMENT OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS AND FINANCIAL RESTRICTIONS ON NORTH KOREA.

(a) FINDINGS.—Congress makes the following findings:

(1) All member states of the United Nations are obligated to implement and enforce applicable United Nations Security Council resolutions fully and promptly, including by blocking the property of, and ensuring that any property is prevented from being made available to, persons designated for the blocking of property by the Security Council under applicable United Nations Security Council resolutions.

(2) As of May 2015, 158 of the 193 member states of the United Nations had not submitted reports on measures taken to implement North Korea-specific United Nations Security Council resolutions 1718, 1874, and 2094.

(3) A recent report by the Government Accountability Office (GAO–15–485)—

(A) finds that officials of the United States and representatives of the United Nations Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (2009), which monitors and facilitates implementation of United Nations sanctions on North Korea, ''agree that the lack of detailed reports from all member states is an impediment to the UN's effective implementation of its sanctions''; and

(B) notes that ''many member states lack the technical capacity to enforce sanctions and prepare reports'' on the implementation of United Nations sanctions on North Korea.

(4) All member states share a common interest in protecting the international financial system from the risks of money laundering and illicit transactions emanating from North Korea.

(5) The United States dollar and the euro are the world's principal reserve currencies, and the United States and the European Union are primarily responsible for the protection of the international financial system from the risks described in paragraph (4).

(6) The cooperation of the People's Republic of China, as North Korea's principal trading partner, is essential to—

(A) the enforcement of applicable United Nations Security Council resolutions; and

(B) the protection of the international financial system.

(7) The report of the Panel of Experts expressed concern about the ability of banks to detect and prevent illicit transfers involving North Korea if such banks are located in member states with less effective regulators or member states that are unable to afford effective compliance.

(8) North Korea has historically exploited inconsistencies between jurisdictions in the interpretation and enforcement of financial regulations and applicable United Nations Security Council resolutions to circumvent sanctions and launder the proceeds of illicit activities.

(9) Amroggang Development Bank, Bank of East Land, and Tanchon Commercial Bank have been designated by the Secretary of the Treasury, the United Nations Security Council, and the European Union as having materially contributed to the proliferation of weapons of mass destruction.

(10) Korea Daesong Bank and Korea Kwangson Banking Corporation have been designated by the Secretary of the Treasury and the European Union as having materially contributed to the proliferation of weapons of mass destruction.

(11) The Foreign Trade Bank of North Korea has been designated by the Secretary of the Treasury for facilitating transactions on behalf of persons linked to its proliferation network and for serving as ''a key financial node''.

(12) Daedong Credit Bank has been designated by the Secretary of the Treasury for activities prohibited by applicable United Nations Security Council resolutions, including the use of deceptive financial practices to facilitate transactions on behalf of persons linked to North Korea's proliferation network.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should intensify diplomatic efforts in appropriate international fora, such as the United Nations, and bilaterally, to develop and implement a coordinated, consistent, multilateral strategy for protecting the global financial system against risks emanating from North Korea, including—

(1) the cessation of any financial services the continuation of which is inconsistent with applicable United Nations Security Council resolutions;

(2) the cessation of any financial services to persons, including financial institutions, that present unacceptable risks of facilitating money laundering and illicit activity by the Government of North Korea;

(3) the blocking by all member states, in accordance with the legal process of the state in which the property is held, of any property required to be blocked under applicable United Nations Security Council resolutions;

(4) the blocking of any property derived from illicit activity, or from the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, officials of the Government of North Korea;

(5) the blocking of any property involved in significant activities undermining cybersecurity by the Government of North Korea, directly or indirectly, against United States persons, or the theft of intellectual property by the Government of North Korea, directly or indirectly from United States persons; and

(6) the blocking of any property of persons directly or indirectly involved in censorship or human rights abuses by the Government of North Korea.

(c) STRATEGY TO IMPROVE INTERNATIONAL IMPLEMENTATION AND ENFORCEMENT OF UNITED NATIONS NORTH KOREA-SPECIFIC SANCTIONS.—The President shall direct the Secretary of State, in coordination with other Federal departments and agencies, as appropriate, to develop a strategy to improve international implementation and enforcement of United Nations North Korea-specific sanctions. The strategy should include elements—

(1) to increase the number of countries submitting reports to the United Nations Panel of Experts established pursuant to United Nations Security Council Resolution 1874 (2009), including developing a list of targeted countries where effective implementation and enforcement of United Nations sanctions would reduce the threat from North Korea;

(2) to encourage member states of the United Nations to cooperate and share information with the panel in order to help facilitate investigations;

(3) to expand cooperation with the Panel of Experts;

(4) to provide technical assistance to member states to implement United Nations sanctions, including developing the capacity to enforce sanctions through improved export control regulations, border security, and customs systems;

(5) to harness existing United States Government initiatives and assistance programs, as appropriate, to improve sanctions implementation and enforcement; and

(6) to increase outreach to the people of North Korea, and to support the engagement of independent, non-governmental journalistic, humanitarian, and other institutions in North Korea.

(d) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that describes the actions undertaken to implement the strategy required by subsection (c).

SEC. 203. PROLIFERATION PREVENTION SANCTIONS.

(a) EXPORT OF CERTAIN GOODS OR TECHNOLOGY.—A validated license shall be required for the export to North Korea of any goods or technology otherwise covered under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)). No defense exports may be approved for the Government of North Korea.

(b) TRANSACTIONS IN LETHAL MILITARY EQUIPMENT.—

(1) IN GENERAL.—The President shall withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to the government of any country that provides lethal military equipment to the Government of North Korea.

(2) APPLICABILITY.—The prohibition under paragraph (1) with respect to a government shall terminate on the date that is 1 year after the date on which the prohibition under paragraph (1) is applied to that government.

(c) WAIVER.—Notwithstanding any other provision of law, the Secretary of State may waive the prohibitions under this section with respect to a country if the Secretary—

(1) determines that such waiver is in the national interest of the United States; and

(2) submits a written report to the appropriate congressional committees that describes—

(A) the steps that the relevant agencies are taking to curtail the trade described in subsection (b)(1); and

(B) why such waiver is in the national interest of the United States.

(d) EXCEPTION.—The prohibitions under this section shall not apply to the provision of assistance for human rights, democracy, rule of law, or emergency humanitarian purposes.

SEC. 204. PROCUREMENT SANCTIONS.

(a) IN GENERAL.—Except as provided in this section, the head of an executive agency may not procure, or enter into any contract for the procurement of, any goods or services from any person designated under section 104(a).

(b) FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—The Federal Acquisition Regulation issued pursuant to section 1303(a)(1) of title 41, United States Code, shall be revised to require that each person that is a prospective contractor submit a certification that such person does not engage in any activity described in section 104(a).

(2) APPLICABILITY.—The revision required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) REMEDIES.—

(1) INCLUSION ON LIST.—The Administrator of General Services shall include, on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation, each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subsection (b).

(2) CONTRACT TERMINATION; SUSPENSION.—If the head of an executive agency determines that a person has submitted a false certification under subsection (b) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this section, the head of such executive agency shall—

(A) terminate any contract with such person; and

(B) debar or suspend such person from eligibility for Federal contracts for a period of not longer than 2 years.

(3) APPLICABLE PROCEDURES.—Any debarment or suspension under paragraph (2)(B) shall be subject to the procedures that apply to debarment and suspension under subpart 9.4 of the Federal Acquisition Regulation.

(d) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies specified in subsection (c) shall not apply with respect to the procurement of any eligible product (as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)) of any foreign country or instrumentality designated under section 301(b) of such Act (19 U.S.C. 2511(b)).

(e) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under subsection (b).

(f) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 133 of title 41, United States Code.

SEC. 205. ENHANCED INSPECTION AUTHORITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that identifies foreign ports and airports at which inspections of ships, aircraft, and conveyances originating in North Korea, carrying North Korean property, or operated by the Government of North Korea are not sufficient to effectively prevent the facilitation of any of the activities described in section 104(a).

(b) ENHANCED CUSTOMS INSPECTION REQUIREMENTS.—The Secretary of Homeland Security may require enhanced inspections of any goods entering the United States that have been transported through a port or airport identified by the President under subsection (a).

(c) SEIZURE AND FORFEITURE.—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) under the jurisdiction of the United States may be seized and forfeited under—

(1) chapter 46 of title 18, United States Code; or

(2) title V of the Tariff Act of 1930 (19 U.S.C. 1501 et seq.).

SEC. 206. TRAVEL SANCTIONS.

The Secretary of State may deny a visa to, and the Secretary of Homeland Security may deny entry into the United States of, any alien who is—

(1) a designated person;

(2) a corporate officer of a designated person; or

(3) a principal shareholder with a controlling interest in a designated person.

SEC. 207. TRAVEL RECOMMENDATIONS FOR UNITED STATES CITIZENS TO NORTH KOREA.

The Secretary of State shall expand the scope and frequency of issuance of travel warnings for all United States citizens to North Korea. The expanded travel warnings, which should be issued or updated not less frequently than every 90 days, should include—

(1) publicly released or credible open source information regarding the detention of United States citizens by North Korean authorities, including available information on circumstances of arrest and detention, duration, legal proceedings, and conditions under which a United States citizen has been, or continues to be, detained by North Korean authorities, including present-day cases and cases occurring during the 10-year period ending on the date of the enactment of this Act;

(2) publicly released or credible open source information on the past and present detention and abduction or alleged abduction of citizens of the United States, South Korea, or Japan by North Korean authorities;

(3) unclassified information about the nature of the North Korean regime, as described in congressionally mandated reports and annual reports issued by the Department of State and the United Nations, including information about North Korea's weapons of mass destruction programs, illicit activities, international sanctions violations, and human rights situation; and

(4) any other information that the Secretary deems useful to provide United States citizens with a comprehensive picture of the nature of the North Korean regime.

SEC. 208. EXEMPTIONS, WAIVERS, AND REMOVALS OF DESIGNATION.

(a) EXEMPTIONS.—The following activities shall be exempt from sanctions under sections 104, 206, 209, and 304:

(1) Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

(2) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(3) Any activities incidental to the POW/MIA accounting mission in North Korea, including activities by the Defense POW/MIA Accounting Agency and other governmental or nongovernmental organizations tasked with identifying or recovering the remains of members of the United States Armed Forces in North Korea.

(b) HUMANITARIAN WAIVER.—

(1) IN GENERAL.—The President may waive, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 104, 204, 205, 206, 209(b), or 304(b) if the President submits to the appropriate congressional committees a written determination that the waiver is necessary for humanitarian assistance or to carry out the humanitarian purposes set forth section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

(2) CONTENT OF WRITTEN DETERMINATION.—A written determination submitted under paragraph (1) with respect to a waiver shall include a description of all notification and accountability controls that have been employed in order to ensure that the activities covered by the waiver are humanitarian assistance or are carried out for the purposes set forth in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802) and do not entail any activities in North Korea or dealings with the Government of North Korea not reasonably related to humanitarian assistance or such purposes.

(3) CLARIFICATION OF PERMITTED ACTIVITIES UNDER WAIVER.—An internationally recognized humanitarian organization shall not be subject to sanctions under section 104, 204, 205, 206, 209(b), or 304(b) for—

(A) engaging in a financial transaction relating to humanitarian assistance or for humanitarian purposes pursuant to a waiver issued under paragraph (1);

(B) transporting goods or services that are necessary to carry out operations relating to humanitarian assistance or humanitarian purposes pursuant to such a waiver; or

(C) having merely incidental contact, in the course of providing humanitarian assistance or aid for humanitarian purposes pursuant to such a waiver, with individuals who are under the control of a foreign person subject to sanctions under this Act.

(c) WAIVER.—The President may waive, on a case-by-case basis, for renewable periods of between 30 days and 1 year, the application of the sanctions authorized under section 104, 201(c)(2), 204, 205, 206, 209(b), or 304(b) if the President submits to the appropriate congressional committees a written determination that the waiver—

(1) is important to the national security interests of the United States; or

(2) will further the enforcement of this Act or is for an important law enforcement purpose.

(d) FINANCIAL SERVICES FOR HUMANITARIAN AND CONSULAR ACTIVITIES.—The President may promulgate such regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not a North Korean financial institution in support of activities conducted pursuant to an exemption or waiver under this section.

SEC. 209. REPORT ON AND IMPOSITION OF SANCTIONS TO ADDRESS PERSONS RESPONSIBLE FOR KNOWINGLY ENGAGING IN SIGNIFICANT ACTIVITIES UNDERMINING CYBERSECURITY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees a report that describes significant activities undermining cybersecurity aimed against the United States Government or any United States person and conducted by the Government of North Korea, or a person owned or controlled, directly or indirectly, by the Government of North Korea or any person acting for or on behalf of that Government.

(2) INFORMATION.—The report required under paragraph (1) shall include—

(A) the identity and nationality of persons that have knowingly engaged in, directed, or provided material support to conduct significant activities undermining cybersecurity described in paragraph (1);

(B) a description of the conduct engaged in by each person identified;

(C) an assessment of the extent to which a foreign government has provided material support

to the Government of North Korea or any person acting for or on behalf of that Government to conduct significant activities undermining cybersecurity; and

(D) a United States strategy to counter North Korea's efforts to conduct significant activities undermining cybersecurity against the United States, that includes efforts to engage foreign governments to halt the capability of the Government of North Korea and persons acting for or on behalf of that Government to conduct significant activities undermining cybersecurity.

(3) SUBMISSION AND FORM.—

(A) SUBMISSION.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter.

(B) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(b) DESIGNATION OF PERSONS.—The President shall designate under section 104(a) any person identified in the report required under subsection (a)(1) that knowingly engages in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea.

SEC. 210. CODIFICATION OF SANCTIONS WITH RESPECT TO NORTH KOREAN ACTIVITIES UNDERMINING CYBERSECURITY.

(a) IN GENERAL.—United States sanctions with respect to activities of the Government of North Korea, persons acting for or on behalf of that Government, or persons located in North Korea that undermine cybersecurity provided for in Executive Order 13687 (50 U.S.C. 1701 note; relating to imposing additional sanctions with respect to North Korea) or Executive Order 13694 (50 U.S.C. 1701 note; relating to blocking the property of certain persons engaging in significant malicious cyber-enabled activities), as such Executive Orders are in effect on the day before the date of the enactment of this Act, shall remain in effect until the date that is 30 days after the date on which the President submits to Congress a certification that the Government of North Korea, persons acting for or on behalf of that Government, and persons owned or controlled, directly or indirectly, by that Government or persons acting for or on behalf of that Government, are no longer engaged in the illicit activities described in such Executive Orders, including actions in violation of United Nations Security Council Resolutions 1718 (2006), 1874 (2009), 2087 (2013), and 2094 (2013).

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 211. SENSE OF CONGRESS ON TRILATERAL COOPERATION BETWEEN THE UNITED STATES, SOUTH KOREA, AND JAPAN.

(a) IN GENERAL.—It is the sense of Congress that the President—

(1) should seek to strengthen high-level trilateral mechanisms for discussion and coordination of policy toward North Korea between the Government of the United States, the Government of South Korea, and the Government of Japan;

(2) should ensure that the mechanisms specifically address North Korea's nuclear, ballistic, and conventional weapons programs, its human rights record, and cybersecurity threats posed by North Korea;

(3) should ensure that representatives of the United States, South Korea, and Japan meet on a regular basis and include representatives of the United States Department of State, the United States Department of Defense, the United States intelligence community, and representatives of counterpart agencies in South Korea and Japan; and

(4) should continue to brief the relevant congressional committees regularly on the status of such discussions.

(b) RELEVANT COMMITTEES.—The relevant committees referred to in subsection (a)(4) shall include—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE III—PROMOTION OF HUMAN RIGHTS

SEC. 301. INFORMATION TECHNOLOGY.

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended by adding at the end the following:

''(d) INFORMATION TECHNOLOGY STUDY.—Not later than 180 days after the date of the enactment of the North Korea Sanctions and Policy Enhancement Act of 2015, the President shall submit to the appropriate congressional committees a classified report that sets forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.''.

SEC. 302. STRATEGY TO PROMOTE NORTH KOREAN HUMAN RIGHTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with other appropriate Federal departments and agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report that details a United States strategy to promote initiatives to enhance international awareness of and to address the human rights situation in North Korea.

(b) INFORMATION.—The report required under subsection (a) should include—

(1) a list of countries that forcibly repatriate refugees from North Korea; and

(2) a list of countries where North Korean laborers work, including countries the governments of which have formal arrangements with the Government of North Korea or any person acting for or on behalf of that Government to employ North Korean workers.

(c) STRATEGY.—The report required under subsection (a) should include—

(1) a plan to enhance bilateral and multilateral outreach, including sustained engagement with the governments of partners and allies with overseas posts to routinely demarche or brief those governments on North Korea human rights issues, including forced labor, trafficking, and repatriation of citizens of North Korea;

(2) public affairs and public diplomacy campaigns, including options to work with news organizations and media outlets to publish opinion pieces and secure public speaking opportunities for United States Government officials on issues related to the human rights situation in North Korea, including forced labor, trafficking, and repatriation of citizens of North Korea; and

(3) opportunities to coordinate and collaborate with appropriate nongovernmental organizations and private sector entities to raise awareness and provide assistance to North Korean defectors throughout the world.

SEC. 303. REPORT ON NORTH KOREAN PRISON CAMPS.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that describes, with respect to each political prison camp in North Korea, to the extent information is available—

(1) the camp's estimated prisoner population;

(2) the camp's geographical coordinates;

(3) the reasons for the confinement of the prisoners;

(4) the camp's primary industries and products, and the end users of any goods produced in the camp;

(5) the individuals and agencies responsible for conditions in the camp;

(6) the conditions under which prisoners are confined, with respect to the adequacy of food, shelter, medical care, working conditions, and reports of ill-treatment of prisoners; and

(7) imagery, to include satellite imagery of the camp, in a format that, if published, would not compromise the sources and methods used by the United States intelligence community to capture geospatial imagery.

(b) FORM.—The report required under subsection (a) may be included in the first human rights report required to be submitted to Congress after the date of the enactment of this Act under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

SEC. 304. REPORT ON AND IMPOSITION OF SANCTIONS WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that—

(A) identifies each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and describes the conduct of that person; and

(B) describes serious human rights abuses or censorship undertaken by the Government of North Korea or any person acting for or on behalf of that Government in the most recent year ending before the submission of the report.

(2) CONSIDERATION.—In preparing the report required under paragraph (1), the Secretary of State shall—

(A) give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea; and

(B) make specific findings with respect to the responsibility of Kim Jong Un, and of each individual who is a member of the National Defense Commission of North Korea or the Organization and Guidance Department of the Workers' Party of Korea, for serious human rights abuses and censorship.

(3) SUBMISSION AND FORM.—

(A) SUBMISSION.—The report required under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years, and shall be included in each human rights report required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)).

(B) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(C) PUBLIC AVAILABILITY.—The Secretary of State shall publish the unclassified part of the report required under paragraph (1) on the website of the Department of State.

(b) DESIGNATION OF PERSONS.—The President shall designate under section 104(a) any person listed in the report required under subsection (a)(1) that—

(1) knowingly engages in, is responsible for, or facilitates censorship by the Government of North Korea; or

(2) knowingly engages in, is responsible for, or facilitates serious human rights abuses by the Government of North Korea.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) seek the prompt adoption by the United Nations Security Council of a resolution calling for the blocking of the assets of all persons responsible for severe human rights abuses or censorship in North Korea; and

(2) fully cooperate with the prosecution of any individual listed in the report required under subsection (a)(1) before any international tribunal that may be established to prosecute persons responsible for severe human rights abuses or censorship in North Korea.

TITLE IV—GENERAL AUTHORITIES

SEC. 401. SUSPENSION OF SANCTIONS AND OTHER MEASURES.

(a) IN GENERAL.—Any sanction or other measure required under title I, II, or III (or any amendment made by such titles) may be suspended for up to 1 year upon certification by the President to the appropriate congressional committees that the Government of North Korea has made progress toward—

(1) verifiably ceasing its counterfeiting of United States currency, including the surrender or destruction of specialized materials and equipment used or particularly suitable for counterfeiting;

(2) taking steps toward financial transparency to comply with generally accepted protocols to cease and prevent the laundering of monetary instruments;

(3) taking steps toward verification of its compliance with applicable United Nations Security Council resolutions;

(4) taking steps toward accounting for and repatriating the citizens of other countries—

(A) abducted or unlawfully held captive by the Government of North Korea; or

(B) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ''Korean War Armistice Agreement'');

(5) accepting and beginning to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid; and

(6) taking verified steps to improve living conditions in its political prison camps.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional, consecutive 180-day periods after the President certifies to the appropriate congressional committees that the Government of North Korea has continued to comply with the conditions described in subsection (a) during the previous year.

SEC. 402. TERMINATION OF SANCTIONS AND OTHER MEASURES.

Any sanction or other measure required under title I, II, or III (or any amendment made by such titles) shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of North Korea has—

(1) met the requirements set forth in section 401; and

(2) made significant progress toward—

(A) completely, verifiably, and irreversibly dismantling all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons;

(B) releasing all political prisoners, including the citizens of North Korea detained in North Korea's political prison camps;

(C) ceasing its censorship of peaceful political activity;

(D) establishing an open, transparent, and representative society; and

(E) fully accounting for and repatriating United States citizens (including deceased United States citizens)—

(i) abducted or unlawfully held captive by the Government of North Korea; or

(ii) detained in violation of the Agreement Concerning a Military Armistice in Korea, signed at Panmunjom July 27, 1953 (commonly referred to as the ''Korean War Armistice Agreement'').

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2017 through 2021—

(1) $3,000,000 to carry out section 103 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7813);

(2) $3,000,000 to carry out subsections (a), (b), and (c) of section 104 of that Act (22 U.S.C. 7814);

(3) $2,000,000 to carry out subsection (d) of such section 104, as add by section 301 of this Act; and

(4) $2,000,000 to carry out section 203 of the North Korea Human Rights Act of 2004 (22 U.S.C. 7833).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated for each fiscal year pursuant to subsection (a) shall remain available until expended.

SEC. 404. RULEMAKING.

(a) IN GENERAL.—The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act (which may include regulatory exceptions), including under section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704).

(b) RULE OF CONSTRUCTION.—Nothing in this Act, or in any amendment made by this Act, may be construed to limit the authority of the President to designate or sanction persons pursuant to an applicable Executive order or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 405. AUTHORITY TO CONSOLIDATE REPORTS.

Any and all reports required to be submitted to appropriate congressional committees under this Act or any amendment made by this Act that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted to appropriate congressional committees pursuant to such deadline. The consolidated reports must contain all information required under this Act or any amendment made by this Act, in addition to all other elements mandated by previous law.

SEC. 406. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this resolution.

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

There was no objection.

Mr. ROYCE. I yield myself such time as I may consume.

Mr. Speaker, for 3 years the Committee on Foreign Affairs that I chair has worked with great determination to build support for this North Korea sanctions legislation.

I want to thank my Democratic colleagues, and I especially want to thank the gentleman from New York (Mr. ENGEL), our ranking member, for his support in this legislation.

I also thank Senators CORKER, CARDIN, and GARDNER, for their leadership in the Senate and for their strong additions, particularly on human rights and on cyber attacks by the brutal and hostile North Korean regime.

Today Congress—Democrats and Republicans, House and Senate—unites to put this North Korean sanctions legislation on the President's desk. Last month this bill passed the House with 418 votes, and this week it passed the Senate 96–0.

Mr. Speaker, these overwhelming votes reflect bipartisan frustration with our North Korea policy, a policy of strategic patience that isn't working. Today Congress unites to say it is time for a new approach.

Mr. Speaker, last month North Korea conducted its fourth known nuclear test, and last weekend it concluded a long-range missile test. On Tuesday, our Director of National Intelligence, James Clapper, testified that North Korea has restarted a plutonium reactor and expanded that production of weapons-grade nuclear fuel.

The threat to the United States and our allies is real. The tyrannical regime of Kim Jong-un has developed increasingly destructive weapons: its miniaturized nuclear warheads that fit onto its most reliable missiles. We cannot stand by any longer.

The legislation we consider today, H.R. 757, is the most comprehensive North Korea sanctions legislation to come before this body. My bill uses targeted financial and economic pressure to isolate Kim Jong-un and his top officials from the assets they maintain in foreign banks and from the hard currency that sustains their rule.

These assets are gained, in part, from illicit activities on the part of North Korea, like counterfeiting U.S. currency and selling weapons around the world, and they are used to advance the North Korean nuclear program.

They also pay for the luxurious lifestyle of the ruling elites and the continued repression of the North Korean people by their police state.

In 2005, the Treasury Department blacklisted a small bank in Macao called Banco Delta Asia, which not only froze North Korea's money in the bank, but also scared away other financial institutions from dealing with the Government of North Korea for fear that they, too, would be blacklisted. Unfortunately, this effective policy was shelved for ill-fated negotiations, but this bill can get us back to a winning strategy.

Equally important to the strong sanctions in this bill are its critical human rights provisions. North Korea operates a brutal system of gulags that hold as many as 120,000 men, women, and children.

If a North Korean is suspected of any kind of dissenting opinion, even telling a joke about the regime, his entire family for three generations is punished. North Korea is a human rights house of horrors.

Two years ago the U.N. Commission of Inquiry released the most comprehensive report on North Korea to date, and their finding was that the Kim Jong-un regime and the whole family regime has, for decades, pursued policies involving crimes—and this is the words of the United Nations report—crimes that shock the conscience of humanity.

This amended version requires the administration to develop a strategy to promote North Korean human rights, including a list of countries that use North Korean slave labor.

The implementation of this bill will help sever a key subsidy for North Korea's weapons of mass destruction program, for only when the North Korean leadership realizes that its criminal activities are untenable will the prospects for peace and security in northeast Asia improve.

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

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

I rise in support of this measure.

First of all, let me thank Chairman ROYCE for authoring the bill. I am proud to be the lead Democratic cosponsor, and I am glad that we are almost to the finish line.

Just over a month ago we passed this bill and sent it to the Senate. The Senate acted quickly to make minor adjustments, and today we will pass this bipartisan legislation and send it to the President's desk.

This process is a great example of what we can accomplish when we work in a bipartisan way to advance American security. As I have said many times before, I am proud of the members on both sides of the aisle of the Committee on Foreign Affairs because we have worked in a bipartisan manner.

I would caution all Members about leveling political charges when it comes to North Korea. I am reminded of the old adage that people who live in glass houses shouldn't throw stones.

We all know North Korea is a problem, but let's not kid ourselves. This problem has grown under many administrations, in Congresses of both parties. So when we talk about how we got here, we need to really focus in a bipartisan manner. That is what we are trying to do.

The Kim regime is dangerous. North Korea's nuclear program threatens regional stability and global security. It worries me to think what North Korea's leaders plan to do with their nuclear arsenal or who they might be willing to sell nuclear material to.

While it is bad enough on its own, North Korea's nuclear program is just the top item on a long list of dangerous and illegal activity by that regime.

From cyber attacks to money laundering and counterfeiting, from human rights abuses, as Chairman ROYCE has pointed out, to the regular attacks on South Korea, the Kim regime runs roughshod over the rules and norms that guide the global order. Yet, they haven't been deterred by some of the toughest sanctions imaginable or the near-universal condemnation of the global community or the deepening isolation of North Korea from the rest of the world. So we are left to tighten the screws even further. That is what we are trying to do today.

We need to work with South Korea and Japan on a tough, coordinated response. We need to take every opportunity to collaborate on this issue with the Chinese, who wield considerable influence over North Korea, and we need to dial up our own sanctions and toughen sanctions enforcement. That is exactly what this bill does.

North Korea is always looking for ways to get around our sanctions. The sanctions in this bill would focus especially on North Korean elites who conduct shady transactions with shell corporations, then cover up the money trail. In Pyongyang, the capital, these cronies of the Kim regime pocket the cash while the rest of the North Korean people suffer.

I have been to North Korea twice, and it is just sickening that the regime and its friends profit from these crimes while the rest of the country is literally starving.

On that point, this bill includes important exceptions for the humanitarian aid that benefits the North Korean people. Our anger is not with the people of North Korea. In fact, the United States does a great deal to provide aid to this oppressed population.

But they deserve better from their leaders. That is why we should send this bill to the President. That is why we should continue to make North Korea a top foreign policy priority.

The Kim family has ruled North Korea for many, many, many years. Kim Jong-un seems to be the worst of the lot, with the repressions, the assassinations, the political stranglehold that he keeps the whole country in, and the fact that many people get caught, as Chairman ROYCE pointed out, in the gulag. Families are oppressed. It is just a nightmare of horrors.

The North Korean people deserve better from their leaders. That is why we should send this bill to the President and why we should continue to make North Korea a top foreign policy priority.

I am proud to support this bill. I am proud to be the lead Democrat on the bill. I urge my colleagues to do the same.

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

Mr. ROYCE. Mr. Speaker, before yielding to our next speaker, I also want to note that this bill effectively reauthorizes and extends the North Korean Human Rights Act of 2004, which I have worked to support for more than a dozen years.

That groundbreaking law, which was reauthorized in 2008 and again in 2012 by our chairman emeritus, ILEANA ROS-LEHTINEN, emphasized that human rights, the free flow of information, and the protection of those who escaped are not only important to the people of North Korea, they are also critical to changing North Korea's strategic calculus and trying to force that rogue regime to address the needs of its own people instead of threatening its neighbors.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations.

□ 0930

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, the North Korean dictatorship is an existential threat that requires significantly enhanced vigilance and response.

The North Korea Sanctions Enforcement Act of 2016, authored by Chairman ED ROYCE, will ensure that the Obama administration takes meaningful action to mitigate North Korea's cruelty, human rights abuse, and military danger.

The U.S. can no longer sit on the sidelines while Kim Jong-un proliferates nuclear and missile technology and abuses and starves the North Korean people.

North Korea violates every single human right enshrined in the Universal Declaration of Human Rights. North Korea is listed by the State Department as a tier 3 country with respect to human trafficking. It is designated as one of eight Countries of Particular Concern for engaging in egregious violations of religious freedom.

Mr. Speaker, I have chaired four hearings on human rights abuses in North Korea. It is, as Chairman ROYCE noted, a house of horrors.

The U.N. Commission of Inquiry on North Korea recommended that the U.N. impose targeted sanctions on North Korean leaders responsible for these crimes against humanity. However, China blocks effective U.N. actions. This, in part, is why the Congress and the administration must act now. North Korean human rights abusers must be identified and listed so that sanctions can be appropriately applied.

North Korea's launch of a long-range rocket last week reenergized concern over that country's intercontinental ballistic missile program. The launch was strongly condemned by the U.N. Security Council, which vowed to apply further sanctions. Hopefully, the Security Council's investigation now underway will also look at partner nations who purchase North Korean missile technology.

Iran, to whom the administration has just released billions of dollars, is one of North Korea's nuclear partners. We should be very concerned about that. At some point, the Iranians will acquire fissile material beyond what they are allowed to produce, they may clandestinely purchase actual warheads from North Korea, or, perhaps, Iran will get enriched uranium—their stash—back from Russia.

At a Foreign Affairs Committee hearing yesterday, Mr. Speaker—and Chairman ROYCE has had well over 35 oversight hearings on Iran—I asked President Obama's coordinator for implementation of the Iran nuclear deal where Iran's stockpile of enriched uranium was sent. Where did it go? Is it in

Russia? What city? Do we—or the IAEA—have onsite access to where it is stored for verifications purposes? Remember President Reagan? He said: Trust and verify. Onsite verification.

Shockingly, Ambassador Mull said he didn't know where the enriched uranium is. He did say it was on a Russian ship somewhere heading to a port or to a final destination. But its specific location—we don't have a clue.

Yesterday's revelation was yet another flaw in an egregiously flawed Iran nuclear deal. We know that there is a connection between North Korea and Iran. So our vigilance must be stepped up significantly. This bill is a major step. It is in fact bipartisan: ELIOT ENGEL, again, working side-by-side with the chairman to make sure a good bill is produced.

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

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON), a member of the Foreign Affairs Committee and chairman of the Armed Services Subcommittee on Emerging Threats and Capabilities.

Mr. WILSON of South Carolina. I thank Chairman ED ROYCE for his leadership on freedom and liberty.

Mr. Speaker, I strongly support the North Korea Sanctions Enforcement Act of 2016.

Recently, we have seen overwhelming evidence that the monarchy in North Korea, led by an unstable dictator, has become increasingly hostile, threatening its neighbors, which are American allies.

Sadly, just last week, it successfully tested a long-range rocket which is capable of reaching California. This recent missile test comes after years of ignoring nonproliferation agreements and conducting nuclear tests without facing any meaningful consequences.

As America continues to fight the global war on terrorism, we should not allow an unpredictable rogue leader to continue unchecked. We must change course to a strategy of peace through strength to protect American families.

In 2003, I was one of the few Members of Congress to visit Pyongyang, North Korea, along with Ranking Member ELIOT ENGEL and Chairman JEFF MILLER. I saw firsthand the struggle and oppression its citizens have endured under Communist totalitarian rule. Compared to the dynamic capital of South Korea, North Korea is the ultimate example of another socialist failure.

The North Korea Sanctions Enforcement Act strengthens our Nation's ability to sanction the agents, government, and financial institutions that enable North Korea's dangerous activities.

I am grateful to Chairman ED ROYCE for introducing the North Korea Sanctions Enforcement Act, unanimously supported in the U.S. Senate with bipartisan support, which puts pressure on the regime by restricting them from selling weapons of mass destruction, importing and exporting conventional weapons, and engaging in further cyberattacks. It also directs the State Department to hold the administration accountable by creating a strategy to improve enforcement of existing sanctions.

This legislation is an important first step to achieving peace through strength in the region. I look forward to working with my colleagues on the Foreign Affairs Committee and the Armed Services Committee to promote positive change and stability in Northeast Asia so that all Koreans can have a bright future.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. POE of Texas. Mr. Speaker, I want to also reiterate the bipartisanship in which this legislation has been brought to the floor through the work of the chairman and the ranking member, who are experts in foreign affairs and especially countries like North Korea.

Mr. Speaker, when I had a chance last year to visit with the Pacific Command, I talked to the four-star Admiral in Pacific Command and asked him this question: Of the five entities that are threats to the United States—Russia, China, Iran, ISIS, and North Korea—which of those concerns you the most? He quickly said: North Korea. Because they are an unstable regime.

This legislation will help, hopefully, have that unstable dictator, who murders his own people, is trigger happy, and is developing all types of weapons and puts them on the open market to sell them to other nations that want to cause mischief in the world, stop this conduct in North Korea.

Yes, North Korea has nuclear weapons. They are developing missiles to deliver those nuclear weapons. About a year or a year and a half ago, the dictator of North Korea said he wanted that first intercontinental ballistic missile to go to Austin, Texas. I take that a little personal, Mr. Speaker. I don't know why he picked Austin. Anyway, they are working on their delivery capability. They have no intention of stopping.

So, the international community must tell the dictator of North Korea: You can't do this. You can't be a menace to not only your own people, or the people in South Korea and the entire region, but the world.

This legislation is an important step in stopping the mischief-making and trigger-happy dictator of North Korea.

And that is just the way it is.

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

Let me first start with Mr. JOE WILSON of South Carolina, who was on the trip with me, as he mentioned, to North Korea.

We drove in from the airport on a bus. JOE was sitting at the front of it. We saw all these hostile billboards. We couldn't, of course, read it—it was in Korean—but we could look at the pictures.

One of the pictures had an American soldier on the ground and a North Korean soldier with a bayonet right through the American soldier's head. The reason why we knew it was an American soldier is because it said USA on the soldier's uniform.

Mr. WILSON sat in the front and very carefully maneuvered his camera and snapped a picture. We have that picture. If the North Koreans had known what we were doing, they probably would have confiscated the camera, but they didn't. I just wanted to mention that.

There were, I believe, six of us on that trip. It was a bipartisan trip. It was an eye-opener. I went back a few years later, but I remember the gentleman from South Carolina sitting there and very skillfully maneuvering that camera. That is a good picture that we should probably blow up and let our colleagues see so that they understand the regime they are dealing with. This was not Kim Jung-un. His father was in power at the time.

So, it seems to be getting progressively worse. The father was known as the ''Dear Leader.'' The grandfather, who was the person most responsible for their revolution, was also heralded. Wherever we went in North Korea, there were pictures of the two of them on the walls, whether it was in schools or at the hotel. It is a very eerie feeling.

It kind of brings you back, for those who read the book ''Nineteen Eighty-Four'' when we were kids, which was in the future and now is in the past. But for those people who read that book, to me, that sort of describes the Korean regime. It is really a scary, scary thing.

The work we are doing here today is so important. It is so important to send a message. It is so important to let the world know that we haven't forgotten this. This remains a bipartisan priority for the U.S. Congress.

The Kim regime must understand that if it continues to defy the global consensus and ignore its obligation under international law, there will be consequences. The elites in North Korea must be shown that if they try to skirt sanctions, we will find new ways to go after them. Anyone who wants to do business with North Korea must be warned that we will crack down on those who help sustain this brutal regime.

The only way forward for North Korea is for its leaders to give up their illegal and dangerous pursuits and come back to the negotiating table.

I am proud that Congress is sending this bill to the President, and I hope we will ramp up engagement with our partners and allies and make it clear that North Korea's present course can only lead to deeper isolation for the country's leaders and, sadly, continued suffering for the country's people.

I think the most stark difference that I have seen in all the years I have been in Congress was when we went to the North Korean capital of Pyongyang and then traveled to the capital of South Korea—Seoul—where Congressman WILSON's wife and other spouses were waiting.

Seoul is a city that is vibrant. It is much like New York City, Chicago, or any of the big cities in our country, where the people are well-dressed and well-fed and shops are open. It looks like a real western-style city. Of course, it is Asia, but it reminds one of Tokyo or cities like that.

When you go to North Korea, it is just like going back into 1950's East Germany. That is just the feeling that you get. You see hotels and buildings that were constructed poorly and couldn't be occupied. When we came back about 18 months later, it was still just the way it was 18 months before. You hardly see a car. Traffic lights don't work. It is just bizarre—I think that is the word—and the poor North Korean people are the ones who are really suffering. The contrast between Pyongyang, which is the capital of North Korea, and Seoul, the capital of South Korea, was just unbelievable. It was like night and day. It is on the same peninsula, it is the same Korean people, and yet it is like night and day.

□ 0945

I think they say pictures are worth a thousand words. There is a picture of the Korean Peninsula at night. It was taken by satellite, and if you take a look, you see that South Korea is vibrant. There are all kinds of lights. It is lit up. North Korea is absolutely black, absolutely dark—no lights, no energy, no power.

What a contrast—two Koreas, same people. One is a bastion of democracy in South Korea—the chairman and I have visited South Korea—and one, a brutal, brutal dictatorship.

So I hope that this bill overwhelmingly passes. I hope that we have strong support from both sides of the aisle.

We want to let the people of North Korea know that we are with them, not with the brutal regime, and that is why we are doing this legislation today.

So I thank Chairman ROYCE. I urge everyone to vote ''yes.''

I yield back the balance of my time.

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

Mr. Speaker, I would like to again thank Ranking Member ELIOT ENGEL for his leadership on this issue. He is my coauthor on this bill.

I would just like to concur in his thoughts about the shocking nature of this totalitarian regime, not just in terms of the way it has treated its people, but also its hostility towards South Korea and towards the United States and to the West; and to just share the thought, as he has expressed, this level of struggle that the people themselves in North Korea live in under this totalitarian state.

When I was in North Korea, I had an opportunity to see something that struck me just in terms of the malnutrition. The NGO community tells us that close to 50 percent of those children are malnourished. What I saw in terms of the malnourishment, the NGO community says malnourished to the point that it affects their ability to learn.

The malnourishment can be seen everywhere. The actual height differential between the average person in North Korea, it is 4 inches shorter than in South Korea. That is a really stark thing to see as you are in North Korea.

But the other observation that Mr. ENGEL made was the overt hostility shown to the United States and, of course, to South Korea and to the rest of the world.

I remember seeing the Cheonan. This is a corvette. This was a South Korean ship on which 46 South Koreans lost their lives, over 50 were injured. It was split in half by a torpedo from a North Korean submarine. And they actually lifted the two halves out of the water. Inspecting that and looking at the letters, the last letters that some of those young South Korean sailors had sent home before they perished, it is just a reminder, it is a reminder of how brutal that regime can be on its own people, but also on those against whom it has ill intent. So the South Koreans have suffered from this.

And now, to see them move forward and try to expand this nuclear weapons program, each new launch brings them closer. They say they can hit the West Coast of the United States. They are claiming that they will be able to hit the entire U.S. with their ICBM program. These placards that you see and these posters actually show their missiles coming down on the United States.

So, at this point, I think it is critical, and our colleagues in the Senate feel the same way. I want to thank our Senate colleagues for building upon the House bill which ELIOT ENGEL and I have authored. And I also appreciate the cooperation of the bipartisan House leadership to ensure this bill's quick scheduling. It is just back from the Senate.

In the wake of North Korea's fourth nuclear test and its recent missile launch, many of our allies also are trying to tighten the screws now on that regime in order to slow its capability to deliver this type of weapon. Only days ago, South Korea shuttered the Kaesong Industrial Complex because, as they observed, it was giving the North Korean regime the hard currency it needed in order to move forward its weapons programs. This will end a very important revenue for the North Korean regime. Japan has issued a new set of sanctions as well, and China and Russia should take notice and follow this example.

It is time for the United States to stand with our partners in northeast Asia as we press China and Russia to follow suit, and this bill sends the message to that regime in North Korea that they must reform and they must disarm this nuclear weapons program. By cutting off Kim Jong-un's access to the hard currency he needs for his army and his weapons, H.R. 757 will return us to the one strategy that has worked: financial pressure on the North Korean regime. So I urge the passage of this bill.

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

Mr. SALMON. Mr. Speaker, today I rise to add my strong support to H.R. 757, the North Korea Sanctions Enforcement Act of 2016, a critical bill to target the rogue Kim Jong Un regime in North Korea. I want to thank Chairman ED ROYCE for drafting this important piece of legislation with Ranking Member ELIOT ENGEL and moving swiftly to bring it for a final vote here in the House before sending it on to the President. North Korea needs to know that it cannot pursue a nuclear program without a tough response from the United States and our allies in the region.

This latest nuclear test and missile launch test fly in the face of current international sanctions and against years and years of negotiation to end North Korea's nuclear ambitions.

By their actions, it is clear that North Korea has every intention to continue advancing its nuclear and missile programs, in an effort to strengthen both domestic and international positions. This must stop here.

This bill before us today will seize assets connected with North Korea's proliferation program. It will staunch the flow of cash from anyone involved in arms trafficking, luxury goods, money laundering, and other means of weapons proliferation in North Korea.

H.R. 757 will also target the regime's horrendous and appalling human rights abuses, by requiring the Administration to develop a strategy that would protect human rights in North Korea and identify those in the North Korean regime who violate basic human rights and dignity.

The time is now to take action and punish the North Korean regime for its destructive behavior. The time to act is now. We cannot wait for another nuclear test, another missile launch, another island shelling, another ship sinking, or another hacking attack. If the Administration will not act to hold the North Korean regime to account, then the Congress must.

I am proud to vote in favor of H.R. 757 and strongly encourage all of my House colleagues to join me.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 757.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

COMMON SENSE NUTRITION DISCLOSURE ACT OF 2015

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 2017, including an exchange of letters between the Committees on Energy and Commerce and the Judiciary.

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 611 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. 2017.

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

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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. 2017) to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A, with Mr. GRAVES of Louisiana in the chair.

The Clerk read the title of the bill.

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

The gentleman from Kentucky (Mr. GUTHRIE) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

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

Mr. Chairman, I rise today in strong support of H.R. 2017, the Common Sense Nutrition Disclosure Act, sponsored by Conference Chair CATHY MCMORRIS RODGERS and Representative LORETTA SANCHEZ.

This legislation, first and foremost, is about making menu labeling work for the American people and American businesses. Providing accurate information to consumers when they are deciding what to order is at the heart of this bill. This is not about hiding the calorie information. This bill is about making menu labeling requirements work for the entire industry.

It seems obvious to me that a one-size-fits-all solution will not work for all restaurant chains; yet FDA's menu labeling recommendation does just that, and its burdensome rules have raised alarm bells with businesses across the country.

Convenience stores, grocery stores, take-out restaurants, pizza restaurants, movie theaters, amusement parks, bowling alleys, and chain restaurants, I think it is fair to say, can be very different. Expecting these distinct businesses to all comply with the same standards is simply not reasonable; in fact, it is ridiculous.

Furthermore, FDA's existing regulations force businesses to provide information that is often useless to the consumer. The Common Sense Nutrition Disclosure Act provides calorie information to the customers when it would actually be helpful before they order. Knowing how many calories are in your meal at the point of purchase is not going to help anyone. Having calorie information when you place your order will help customers make healthier decisions.

The current FDA menu labeling rules also will expose restaurants and retailers to harsh penalties. This bill makes sure that employees don't get penalized for an inadvertent error. This bill would also help protect businesses from frivolous lawsuits.

Our bill also addresses other impractical, unworkable aspects of FDA's regulation. For example, flyers and advertisements were never meant to be considered menus; yet, through guidance, the FDA confirmed that they consider flyers and advertisements menus. FDA had their chance to make corrections and they did not. This must be fixed, and our bill does just that.

This bill came through our Subcommittee on Health with a voice vote. In full committee, it passed with a bipartisan vote of 36–12–1. I look forward to passing H.R. 2017 through the House with an even stronger bipartisan vote. I urge my colleagues to support H.R. 2017.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 10, 2016.

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

DEAR CHAIRMAN UPTON: I am writing with respect to H.R. 2017, the ''Common Sense Nutrition Disclosure Act of 2015,'' which was referred to the Committee on Energy and Commerce.

As you know, H.R. 2017 contains provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary. As a result of your having consulted with the Committee and in order to expedite the House's consideration of H.R. 2017, the Committee on the Judiciary will not assert its jurisdictional claim over this bill by seeking a sequential referral. However, this is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on the Judiciary with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 2017, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 2017.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 11, 2016.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding H.R. 2017, the ''Common Sense Nutrition Disclosure Act of 2015.''

I appreciate your willingness to forgo seeking a sequential referral of the bill, and I agree that your decision will in no way diminish or alter the jurisdiction of the Committee on the Judiciary with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 2017 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong opposition to H.R. 2017, the so-called Common Sense Nutrition Disclosure Act.

Far from common sense, this unnecessary legislation would deny consumers critical information about the food that we eat.

I began my career a long time ago as a consumer advocate, joining together with a small group of housewives to get retailers to put expiration dates on the products they sell. This was way back in 1970, when every single item in the grocery store was code dated. Now expiration dates are on nearly every single product because this change was good not only for consumers, but it was good for the retailers. They were able to control their inventory much better—less waste because dates are on the food. We can also control our refrigerators a little bit better as well.

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Consumers can make better decisions with better information, and retailers can better control their inventory. Similarly, I believe menu labeling would be helpful to both consumers and retail food establishments, as more and more people are asking for this information and making smart decisions.

At a time when over 78 million adult Americans are obese and the estimated cost of obesity in the United States is $147 billion a year, we should be embracing efforts to reduce this enormous cost to our healthcare system.

In fact, a recent Harvard study found restaurant menu calorie labeling could save over $4.6 billion in healthcare costs over 10 years. That is not chump change.

Countless consumer and public health organizations oppose H.R. 2017. That includes the American Diabetes Association, the American Cancer Society, the American Heart Association, the American Public Health Association, and the Center for Science in the Public Interest.

Supporters claim that menu labeling requirements would be too difficult to implement. That is what I heard from my colleague. But we know this isn't

true. Why? Because California, New York City, the State of Vermont, and several counties around the country have successfully implemented menu labeling.

Only chain restaurants with 20 or more locations operating under the same name must post calorie information. So this is not about small businesses must post calorie information. Many of these chains have already had to comply with menu labeling in the places where it is currently required.

In addition, the National Restaurant Association has long supported menu labeling, and consumers find this to be an asset. Claims that implementation of menu labeling has been rushed or has not allowed industry to weigh in are simply false.

It has been 6 years since the law first passed, giving industry plenty of time to weigh in with the FDA and implement this law. The FDA has already issued a 1-year extension, and the FY16 omnibus delayed implementation even further.

The FDA has allowed for plenty of industry participation through this 6-year process, and their final regulations provide a great deal of flexibility.

H.R. 2017 would not only decrease consumer access to calorie information, but it would allow for inconsistent or confusing menu information. This legislation, for example, allows food establishments to simply make up their own serving sizes.

For example, the bill would allow establishments to list the calories for one chicken wing as opposed to an order of chicken wings and wouldn't require the total number of calories to be listed.

We have also heard that many establishments, especially chain pizza restaurants, claim that menu labeling would be too difficult for them to account for all the variations in their menu offerings.

But let's be clear. Pizza chains only need to post calories for the standard menu items they list on their menu boards, not every possible pizza combination. So clearly, California, Vermont, and the City of New York have figured it out.

I also took it upon myself to come up with an easy template for pizza restaurants to use and that is free of charge. I am not going to charge them. It shows how easy it is for them to clearly display the calorie information and account for the different pizza options. You can see right here.

So we have one slice of cheese pizza. I just made up these calories. I think they are way too low. But let's say one slice of cheese pizza is 250 calories. God bless them if they can do that. So then, for sausage, you would add calories; mushrooms, you would add calories; pepperoni, add calories; onion. I think it is rather attractive, easy to read, and important for consumers.

Pizza is undeniably one of the most common menu items in America. On any given day, one out of every eight Americans eats pizza—one out of eight. The United States spends $37 billion a year on pizza, which accounts for one-third of the global pizza market.

H.R. 2017 still requires chain pizza restaurants to calculate the calories for their menu items; so, clearly, it can't be that difficult to come up with this information.

Instead, this bill would allow them to present calorie information in a deceptive manner and restrict customer access to this information, depending on where they place an order.

Given how often pizza is consumed, it is critical that consumers have access to accurate calorie information at all points of sale.

More and more, people are planning their caloric intake and making healthier decisions for themselves. We should be encouraging this and providing consumers with the information they need to make smart decisions about their health.

So I encourage my colleagues to oppose this unnecessary bill that only serves to harm and confuse consumers.

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

Mr. GUTHRIE. Mr. Chairman, first, when we looked at the nice menu labeling board that was just presented, it shows why H.R. 2017 is necessary.

Because, if you look at just that board, it was simple, but it fails to specify the calories listed for each topping or the calories added to a single slice.

Under FDA regulations and guidance, the menu must specify that the sausage, mushroom, pepperoni, and onion calories are added to the basic preparation of slices of pizza with the word ''add'' or ''added'' spelled out.

You can't use the plus symbol, which the FDA has specifically said is not permitted. It fails to declare calories per slice and per topping for each size of pizza slice.

The FDA regulations require that calories be declared for each size of pizza slice and for each topping as applied to each size. So it shows why we need to move forward. It also doesn't say that 2,000 calories a day is used for general nutrition advice, but calorie needs vary.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), my good friend and the chairman of the full committee.

Mr. UPTON. Mr. Chairman, I rise today in strong support of this bill H.R. 2017, the Common Sense Nutrition Disclosure Act.

Simply put, this is a bipartisan bill that would impose common sense where it is sorely needed: the final food labeling rule issued by this administration.

We have a classic example of the administration overreaching with a top-down, big government approach. Its impact is wide ranging and will negatively impact your pizza places, convenience stores, grocery stores, amusement parks, movie theaters, and ice cream stores, you name it.

The administration's own estimates state that this regulation could cost American businesses as much as $1 billion to comply and 500,000 hours of paperwork, all on small businesses. That is a huge chunk of time and money that would be better spent hiring more folks who are creating improved experiences for customers.

Michigan's own Domino's pizza illustrates just how this rule simply doesn't work. They have literally hundreds and hundreds of different potential order combinations: large pizzas, small ones, medium, thick, thin, and crispy.

Right now they have an online calculator that, in fact, will determine nutritional information so that, when you order from your computer or your app, you can see the precise nutrition information on that pizza.

When 91 percent of orders are placed online, it doesn't make much sense for Domino's to have an in-store menu board that won't provide precise nutrition information for customers on literally hundreds of different choices. Yet, that is what the final food labeling rule would require.

We live in an innovative world, with businesses like Seamless and Uber Eats that bring all kinds of food with the click of a button to consumers' doorsteps. The menu board won't be impactful and is not the solution to menu labeling.

The Common Sense Nutrition Disclosure Act prevents these onerous burdens and puts in place a framework that actually works for consumers and businesses.

The CHAIR. The time of the gentleman has expired.

Mr. GUTHRIE. Mr. Chairman, I yield the gentleman from Michigan an additional 30 seconds.

Mr. UPTON. Mr. Chairman, I want to thank, in particular, CATHY MCMORRIS RODGERS and LORETTA SANCHEZ for their bipartisan work to advance a workable, pragmatic solution that focuses on consumers and small businesses.

As was noted, it did pass in our committee 36–12 with one voting present. I look forward to an even stronger bipartisan vote today.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Chairman, I thank the distinguished gentlewoman. I also thank my good friend. I will move as quickly as I possibly can.

Mr. Chairman, these legislative issues are important to us, and we realize that there is a difference of opinion. So I don't come to the floor harking with great adversity, but I do come with a reasonable response to my opposition to H.R. 2017 in terms of its overall impact.

So I would like to say that it is overly broad in its approach to address narrower concerns from the pizza industry

and other food establishments that are better resolved through guidance.

The bill will reduce the likelihood that consumers will receive clear and consistent calorie information at chain food service establishments, and the bill weakens an important tool intended to help Americans make informed food choices at a time when obesity and other nutrition-related health problems are at crisis.

Our constituents have gotten used to seeing the calorie content. They look for it. They want transparency. Obviously, Americans eat less than the recommended amounts of vegetables, fruits, whole grains, dairy products, and oil. Although we are not the Big Brother, we have to create opportunities for such.

I live in communities where there are food deserts. More than 23 million Americans, including 6.5 million children, live in food deserts, areas that are more than a mile away from a supermarket.

In 2008, an estimated 49.1 million people, including 16.7 million children, experienced food insecurity—limited availability to safe and nutritionally adequate foods—multiple times throughout the year. So anytime there can be an increased knowledge about the nutrition of a food product, that is crucial.

In addition, as the co-chair and founder of the Congressional Children's Caucus, I work on the issues of childhood obesity.

Data from 2009 to 2010 indicates that over 78 million U.S. adults and about 12.5 million—16.9 percent—children and adolescents are obese. We need to help those individuals both in terms of their own confidence about themselves, but to eat healthy.

So I rise today to oppose this legislation because I believe we can find a better place of guidance.

I include in the RECORD a letter, Mr. Chairman, from the National Restaurant Association, which says: ''We are writing to inform you of our opposition to H.R. 2017. This legislation would create an unfair advantage between competitors by specifically carving out segments of the food service marketplace from the federal requirement. . . . ''

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 28, 2015.

DEAR REPRESENTATIVE: We are writing to inform you of our opposition to H.R. 2017. This legislation would create an unfair advantage between competitors by specifically carving out segments of the food service marketplace from the federal requirement to provide uniform nutrition information. We urge you to treat establishments selling restaurant type food equitably. Congress should not provide a competitive advantage for one segment of an industry over another.

H.R. 2017 would broadly exempt thousands of chain grocery and convenience stores from providing uniform nutrition information on restaurant type food to customers notwithstanding that each day thousands of customers purchase such meals at these establishments. Such establishments each made strategic decisions to compete directly with their local restaurants. While we welcome their competition, there is no justifiable reason why they should not be held to the same rules as those with whom they have chosen to compete. While we recognize the need expressed by supporters of H.R. 2017 to have appropriate time for menu-labeling implementation, H.R. 2017 would outright exempt entities from providing nutrition information, create an uneven playing field, and cast different requirements amongst competitors.

The food service industry is a broad but competitive industry that is ever expanding in areas that have not traditionally provided restaurant meals. For example, today there are 54,000 grocery stores and 59,000 convenience stores that offer freshly prepared food and beverages, with annual average foodservice sales of $25 billion dollars. Taken together, these two foodservice segments alone represent 12% of total restaurant and foodservice locations in the U.S. In fact, in recent years, sales in this broad 'retail host' segment have grown much faster than the restaurant industry as a whole. Between 2006 and 2011, sales in this sector jumped 31%, compared to a 16% increase in total restaurant industry sales.

It is clear that grocery and convenience stores are expanding into the traditional restaurant space and competing for the traditional restaurant customer. Just as a restaurant that decides to sell gas or packaged food would be required to adhere to the laws governing those products, our competitors should follow the rules that apply to restaurant products.

Moreover, as with most federal legislation, we recognized the need for a small business protection in the menu labeling requirements. As a result, the law only applies to chains with 20 or more locations that operate under the same trade name and offer for sale substantially the same menu items. Smaller chains and independent operators have the choice to voluntarily provide menu labeling but they are not required to do so under the federal law.

Lastly, the menu labeling rule comes at a time when consumers are demanding more information about the food they eat. In providing the nutritional content of restaurant foods, customers will have access to the information they seek. In fact, this information is being met favorably with estimates suggesting 76% of consumers want menu labeling.

We appreciate your consideration that establishments offering restaurant food be treated equally under the law. Should you have questions on the final requirements around menu labeling, please feel free to consult our website at www.restaurant.org/menulabeling. If you have any questions regarding this letter, please feel free to contact me at the National Restaurant Association.

Sincerely,

DAN ROEHL,
Vice President,
Government Relations.

TRUST FOR AMERICA'S HEALTH,
February 8, 2016.

DEAR LILLIE: Trust for America's Health (TFAH), a non-profit, non-partisan organization dedicated to promoting health for all Americans, urges Representative Jackson Lee to oppose H.R. 2017, legislation which would weaken and partially repeal critical Food and Drug Administration (FDA) menu labeling standards. The bill is scheduled to be considered by the House later this week.

According to The State of Obesity 2015, obesity remains one of the biggest threats to the health of our children and country. Mound 17 percent of children and more than 30 percent of adults are currently considered obese, putting them at heightened risk for a wide range of health problems such as heart disease, hypertension, type 2 diabetes, stroke, cancer, asthma and osteoarthritis.

Today, Americans consume roughly one-third of all calories outside the home. There is no single solution to the obesity epidemic, but without improved information about the nutritional content of their food options, millions of Americans will not have the tools they need to make healthy choices.

I urge you to oppose this legislation. If you have any questions, please do not hesitate to contact TFAH's Senior Government Relations Manager Jack Rayburn.

Thank you,

RICHARD HAMBURG,
Interim President and CEO.

Ms. JACKSON LEE. This is the National Restaurant Association.

I received a letter from the Trust for America's Health. They, too, are a nonprofit, nonpartisan organization. They have asked for us to oppose this, which would weaken and partially repeal critical Food and Drug Administration, FDA, menu labeling. The bill, as I said, is scheduled to come, and here we are today.

So my final points are this. If we have a problem, let's try to work it out, but let's not take a sledgehammer and sledgehammer the requirements that help Americans have transparent information about their food.

Mr. Speaker, I rise in opposition to H.R. 2017, the ''Common Sense Nutrition Disclosure Act of 2015,'' which amends the Federal Food, Drug, and Cosmetic Act to revise the nutritional information that restaurants and retail food establishments must disclose.

As the founder and chair of the Congressional Children's Caucus, I oppose this legislation for the following four reasons:

1. H.R. 2017 is overly broad in its approach to address narrower concerns from the pizza industry and other food establishments that are better resolved through guidance;

2. The bill will reduce the likelihood that consumers will receive clear and consistent calorie information at chain food service establishments; and

3. The bill weakens an important tool intended to help Americans make informed food choices at a time when obesity and other nutrition-related health problems are at crisis levels.

The FDA has been responsive to industry concerns and has already delayed implementation of menu labeling by two years, which is more than six years after it was enacted.

Moreover, H.R. 2017 states that its goal is to establish that the nutrient content disclosure statement on the menu or menu board at establishments that serve prepared foods must include:

1. the number of calories contained in the whole menu item;

2. the number of servings and number of calories per serving;

3. the number of calories per common unit of the item, such as for a multi-serving item that is typically divided before presentation to the consumer; and

4. allow nutritional information may be provided solely by a remote-access menu (e.g., an Internet menu) for food establishments where the majority of orders are placed by customers who are off-premises.

NUTRITION AND OBESITY

Typical American diets exceed the recommended intake levels or limits in four categories: calories from solid fats and added sugars; refined grains; sodium; and saturated fat.

Americans eat less than the recommended amounts of vegetables, fruits, whole grains, dairy products, and oils.

About 90% of Americans eat more sodium than is recommended for a healthy diet.

Reducing the sodium Americans eat by 1,200mg per day on could save up to $20 billion a year in medical costs.

Food available for consumption increased in all major food categories from 1970 to 2008. Average daily calories per person in the marketplace increased approximately 600 calories.

Since the 1970s, the number of fast food restaurants has more than doubled.

More than 23 million Americans, including 6.5 million children, live in food deserts—areas that are more than a mile away from a supermarket.

In 2008, an estimated 49.1 million people, including 16.7 million children, experienced food insecurity (limited availability to safe and nutritionally adequate foods) multiple times throughout the year.

In 2013, residents of the following states were most likely to report eating at least five servings of vegetables four or more days per week: Vermont (68.7%), Montana (63.0%) and Washington (61.8%). The least likely were Oklahoma (52.3%), Louisiana (53.3%) and Missouri (53.8%). The national average for regular produce consumption is 57.7%.

Empty calories from added sugars and solid fats contribute to 40% of total daily calories for 2–18 year olds and half of these empty calories come from six sources: soda, fruit drinks, dairy desserts, grain desserts, pizza, and whole milk.

US adults consume an average of 3,400 mg/day [of sodium], well above the current federal guideline of less than 2,300 mg daily.

Food safety awareness goes hand in hand with nutrition education. In the United States, food-borne agents affect 1 out of 6 individuals and cause approximately 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths each year.

US per capita consumption of total fat increased from approximately 57 pounds in 1980 to 78 pounds in 2009 with the highest consumption being 85 pounds in 2005.

The US percentage of food-insecure households, those with limited or uncertain ability to acquire acceptable foods in socially acceptable ways, rose from 11% to 15% between 2005 and 2009.

OBESITY

Data from 2009–2010 indicates that over 78 million U.S. adults and about 12.5 million (16.9%) children and adolescents are obese.

Recent reports project that by 2030, half of all adults (115 million adults) in the United States will be obese.

Overweight adolescents have a 70% chance of becoming overweight or obese adults.

CHILDREN AND OBESITY

For children with disabilities, obesity rates are approximately 38% higher than for children without disabilities. It gets worse for the adult population where obesity rates for adults with disabilities are approximately 57% higher than for adults without disabilities.

In 2011–2012, 8.4% of 2- to 5-year-olds had obesity compared with 17.7% of 6- to 11-year-olds and 20.5% of 12- to 19-year-olds. Childhood obesity is also more common among certain racial and ethnic groups.

In 2011–2012, the prevalence among children and adolescents was higher among Hispanics (22.4%) and non-Hispanic blacks (20.2%) than among non-Hispanic whites (14.1%).

The prevalence of obesity was lower in non-Hispanic Asian youth (8.6%) than in youth who were non-Hispanic white, non-Hispanic black or Hispanic.

Almost 40% of black and Latino youth ages 2 to 19 are overweight or obese compared with only 29% of white youth.

IMPACT OF BILL ON CHILDREN

Nearly 1 in 3 children, 2–19 years of age living in the United States is overweight or obese, putting them at risk for serious health problems.

As members of Congress we should be joining with parents, caregivers, brothers and sisters, schools, communities and healthcare providers in making accurate and easily understandable information regarding the nutrient and calorie content of takeout food transparent to the public.

Our goal should be to work together to create a nation where the healthy choices in takeout as well as food prepared at homes are readily available.

Part of that means information on calorie content and nutrition of food is essential.

Food high calorie content, while low in nutritional value, is a recipe for obesity.

HUMAN AND FINANCIAL COSTS OF OBESITY

Obesity-related illness, including chronic disease, disability, and death, is estimated to carry an annual cost of $190.2 billion.

Projections estimate that by 2018, obesity will cost the U.S. 21 percent of our total healthcare costs—$344 billion annually.

Those who are obese have medical costs that are $1,429 more than those of normal weight on average (roughly 42% higher).

The annual cost of being overweight is $524 for women and $432 for men; annual costs for being obese are even higher: $4,879 for women and $2,646 for men.

Obesity is also a growing threat to national security—a surprising 27% of young Americans are too overweight to serve in our military. Approximately 15,000 potential recruits fail their physicals every year because they are unfit.

The medical care costs of obesity in the United States are staggering. In 2008 dollars, these costs totaled about $147 billion.

Hunger hurts everyone, but it is especially devastating to children. Having enough nutritious, healthy food is critical to a child's physical and emotional development and their ability to achieve academically.

Children facing hunger may perform worse in school and struggle with social and behavioral problems that impact their ability to learn.

16 million children in America face hunger.

In 2014, more than 21.5 million low-income children received free or reduced-price meals daily through the National School Lunch Program.

84% of client households with children report purchasing the cheapest food available, even if it wasn't the healthiest option.

H.R. 2017 Removes the Information Needed by Consumers to make Good Food Choices

TEXAS AND CARRYOUT FOOD LABELING

Nearly 27 million people call the state of Texas home, making it the second largest and most populous state in the nation.

Unfortunately, Texas ranks first as the most obese state in the United States for children.

More than 1 in 3 children and adolescents in Texas is obese, putting them at risk for serious health problems.

The story does not end with these statistics.

An initiative by state school districts in collaboration with the Robert Wood Johnson Foundation is working to address childhood obesity in the state of Texas.

More than 2,100 schools serving over 1.4 million students across the state of Texas have joined the Alliance's Healthy Schools Program, creating healthier school environments for children to thrive.

Since 2007, 136 Texas schools have been recognized with National Healthy Schools Awards for their outstanding efforts.

I must encourage my colleagues to join me in opposition to this unwise and harmful legislation.

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), my good friend.

Mr. BILIRAKIS. I thank my good friend from Kentucky.

Mr. Chairman, I rise today in support of H.R. 2017, the Common Sense Nutrition Disclosure Act. This bill, as the name suggests, truly is a commonsense bill. H.R. 2017 would lift many of the burdens on small businesses and help protect establishments from excessive regulations.

This summer I visited many Florida food producers, distributors, and restaurants, including one of the local Publix Super Markets, in Land O' Lakes, Florida, where employees showed me how current policies and excessive regulations impact their store.

However, it was clear that reasonable regulations are needed. This bill allows for providing nutritional information to consumers based on the different ways that foods are prepared and sold across venues and formats.

Mr. Chairman, I thank Chairwoman MCMORRIS RODGERS for sponsoring the bill and the committee for their good work. I urge passage of this great bill, H.R. 2017.

Ms. SCHAKOWSKY. I yield 3 minutes to the gentleman from California (Mr. DESAULNIER).

I am really glad to introduce MARK DESAULNIER, who has experience with this particular legislation.

Mr. DESAULNIER. I thank the gentlewoman for yielding.

Mr. Chairman, I rise to express my strong opposition to H.R. 2017. I do this in the context of my background and my professional life, 40 years in the restaurant business.

I started as a busboy and a dishwasher. I have worked in chain restaurants and fast-food restaurants and owned multiple fine-dining restaurants in the Bay Area and have done consulting to restaurants throughout California.

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I was an author along with a colleague in the State legislature. At that time, the first statewide menu labeling legislation in the country was in California. My colleague had been on the

L.A. City Council, I had been in local government in the bay area, and we had started in local government doing this.

We took 2 years, from 2006 to 2008, to work with a Republican administration and a Democratic leadership of both Houses in California. I worked with the California Restaurant Association, which I was a longtime member of.

At the end of the day, we accommodated all people's interests, including the stakeholders in the pizza industry. What we had was a remarkable piece of legislation that is helping to address what the Center for Disease Control called over 10 years ago a national epidemic in this country, a national epidemic of obesity, particularly for young people, for young Americans, of which as many as two-thirds of them deal with obesity every day, or overweight, and obesity-related diseases, like diabetes type 2, has expanded over 300 percent since 1971, when many of us were younger. This is a national epidemic.

When we were doing the legislation in California, we considered cost benefits. We worked, as I said before, with the Restaurant Association. As somebody who spent 4 years in the Restaurant Association—and they were independent restaurants so I understand that this would not apply directly—but many of those restaurants already started on their own, and the consumers responded to it in the context of this national crisis.

Here is a piece of legislation that the administration is continuing to work in full faith with the stakeholders on. Why not let them continue. It is a major piece of prevention. It is a major piece of public health.

I have been in the restaurant business long enough to remember when Mothers Against Drunk Driving brought their issues to the restaurant industry and said that we should do something about the epidemic of drunk driving deaths. We did. The restaurant industry put up a struggle and thought it would be the end of it.

I have been in the business long enough to remember secondhand smoke, where similarly people said: This will be the end of us.

I know how hard it is to keep a restaurant open. It is one of the most daunting things you can do in life. I know the importance of them in a community where more and more Americans with two-income households rely on restaurants and dining out to provide for their families. Therein lies part of our crisis.

The restaurant business responded when we had drunk driving issues. It responded again in secondhand smoke. Many of us can remember when you would walk into a restaurant and you were engulfed in smoke. We know what the public health dangers of that were. We know how we have reduced that exposure and led the world.

Here is another occasion where the United States—and I know in California, we led the world, and it is working. I will say that you can remedy, as somebody with my background, the conflicts between public health.

The Acting CHAIR (Mr. CURBELO of Florida). The time of the gentleman has expired.

Ms. SCHAKOWSKY. I yield the gentleman from California an additional 1 minute.

Mr. DESAULNIER. I urge my colleagues—given the experience I have had and others, and the urgency of the issue when it comes to public health and the future of this country—to vote ''no.''

Ms. SCHAKOWSKY. Mr. Chairman, can I inquire how much time I have remaining?

The Acting CHAIR. The gentlewoman from Illinois has 16½ minutes remaining.

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), my good friend.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, this is an issue that I care a lot about. Diabetes runs in my family, and I am talking generations worth.

One of the ways that you combat diabetes is through nutrition and through exercise. I watch everything that I eat. I am very grateful that when I go to a restaurant, they put the calorie count on the different pieces on the menu. I am very grateful that when I go into a 7–Eleven or some other type of convenience store, that there is calorie count and serving size on everything that I buy there. This is very important to me.

But at the same time, I have been a small business woman, I have had a small business, and I know how difficult it is to make payroll, to be a small business trying to make a profit. I think that this particular regulation, not law, because when we passed the Affordable Care Act we said: Let's help people make good nutrition decisions, and I agree with that. But then we had a regulatory agency that made these regulations that just don't make sense. That is what this bill is about.

Ms. JACKSON LEE, one of my colleagues, said: This is easy, let's just work it out. But the reality is we have been at this for almost 2 or 3 years, and we have not been able to work it out at the table. This is very, very important.

There was just a letter of opposition put into the RECORD from the National Restaurant Association. Yes, early on, to this bill, they were opposed. But the thing they were opposed to was the 50 percent rule, and we have taken that out of this.

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

Mr. GUTHRIE. I yield the gentlewoman from California an additional 30 seconds.

Ms. LORETTA SANCHEZ of California. I would like to say that the Common Sense Nutrition Disclosure Act of 2015 aims to fix these problems and to help small businesses meet the intention of the law.

I think it is very unfair if you walk into a 7–Eleven and because something is taken out of its package and is put in a toaster oven that, all of a sudden, another place has to put the calories.

So I would ask my colleagues, please, let's do the right thing. Let's help consumers be smart about what they are eating, and let's let businesses go about their business.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the wonderful consumer advocate who has been fighting issues on nutrition and consumer information for such a long time and who is so knowledgeable about the importance of information for consumers.

Ms. DELAURO. Mr. Chairman, I rise in opposition to H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015.

As many of you know, I have been a longstanding champion of menu labeling, and I have fought to secure its inclusion in the Affordable Care Act. In fact, I was the original author of the House menu labeling bill.

When the Congress passed standardized menu labeling in 2010, what was the goal? To arm Americans with the right-to-know information they need to make informed nutritional decisions for themselves and for their families.

The language was built on consensus and compromise and worked out between a wide variety of interests, including many industry partners. I can find you the quotes from the National Restaurant Association where we stood together to make the announcement to put calories up on menu boards where people could see them and make the decision about what they were going to purchase at the point of purchase.

Now certain sectors of the industry want to tear down the progress that we have made. This bill would weaken and repeal a crucial step to combat the obesity epidemic in the United States. This bill increases consumer confusion and allows restaurants to list deceptive portion sizes, listing an entree as multiple servings, even though these items are often consumed by one person.

For example, a restaurant could list the caloric content of one chicken wing, deciding that one chicken wing is a serving size. But people do not eat just one chicken wing. Under the proposed bill, a restaurant would not be obligated to inform a consumer that there are 12 chicken wings in an order, which can lead to consumers making misinformed decisions based on misleading information, consuming far more calories than they ever realized.

This bill would also deny consumers the right to nutritional information at that point of purchase, even if 49 percent of orders are placed from in-store menus. Food establishments, what they would like to do is to bury menu labeling online.

Multiple studies have shown that providing calorie menu information

can help Americans make lower calorie choices. But they cannot do this if they do not have the information they need.

It also weakens enforcement, consumer protection, and it would completely remove an establishment's incentive to comply with menu labeling requirements.

It also removes the ability of individuals to hold retail establishments accountable for violations to the food labeling law.

Many public interest health organizations are concerned about the ability of citizens to take action on noncompliance to menu labeling standards. Given that the Food and Drug Administration is chronically underfunded, this would be a serious setback.

We live in a country where obesity is an epidemic. In March 2015, sales at restaurants and bars surpassed spending at grocery stores for the first time ever. On an average day, one out of three Americans eat at a fast food restaurant. Americans are eating nearly half of their meals and snacks outside the home. Nutritional information must be made readily available where the consumer is at a point of purchase.

Children are especially at risk. Today, more than a third of children and adolescents are overweight and obese. Children eat almost twice as many calories at a restaurant than they do at home. The impact on our kids alone should be reason enough to oppose a measure that undermines the consumer's ability to make an informed nutrition choice at mealtime.

The good news is that menu labeling works. A 2015 study at Harvard found that menu labeling could save $4.6 billion in healthcare costs over 10 years. It is a popular concept. A national poll found that 80 percent of Americans support menu labeling in chain restaurants. Over 100 nutrition and health organizations support menu labeling, along with trade associations, like the National Restaurant Association, chain restaurants such as McDonald's, Chili's, and IHOP.

The existing law is flexible. Restaurants with less than 20 locations—a mom and pop small businesses—are excluded. Your local grocery store is excluded.

It has been 6 years since the original labeling law passed. There has been a 2-year delay in its full implementation.

The Food and Drug Administration has actually gone almost door to door to work with the industry to address their concerns. We should let them work through this process rather than complicating it with this legislation, which is just industry's answer to gutting the legislation.

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

Ms. SCHAKOWSKY. I yield the gentlewoman from Connecticut as much time as she may consume.

Ms. DELAURO. Let them work through the process. We would be undoing years of meaningful, impactful work on menu labeling with a single stroke.

This is a special interest-driven bill. No one is suggesting that every permutation of a meal has to be changed and listed on a menu board. That is false. That is misrepresentation. You take the standard menu and you put that up there, and the same is true of pizza places, the same is true of the deli counter, and a convenience store. Do not let an industry that doesn't want to provide information to the American people about what they are eating and what the calorie content is—you know, when we first started this, we talked about calories and sodium and a whole bunch of other things, but it was by working with the industry that I did at that time, that said: No, let's just put calories up there. That is reasonable. We don't have to go further than that. They stood side by side with me and we went to restaurants where we saw what the calorie count was on the label, and they were perfectly happy with it.

Subsections of this industry have refused to do what the broad-based industry has wanted to do.

This is industry-driven. It is not the answer. It would undo over 5 years of progress on menu labeling. It hurts the American public. It hurts our children. And I urge all of my colleagues to oppose it.

□ 1030

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Iowa (Mr. BLUM).

Mr. BLUM. Mr. Chairman, I rise in strong support of H.R. 2017, the Common Sense Nutrition Disclosure Act.

This commonsense, bipartisan legislation would change the FDA's burdensome and impractical labeling of prepared food items at grocery stores and at convenience stores into a more workable and efficient solution that keeps food costs down for consumers.

In the First District of Iowa, many of my constituents stop by local businesses, like Casey's General Store or the Hy-Vee supermarket, to get a hot breakfast or to pick up a convenient meal over their lunch breaks. These stores often use local ingredients and offer specialty items, which means their recipes and nutritional information and content can vary.

Under the FDA's regulation, Casey's, Hy-Vee, and any other business that is impacted by the rule could be penalized for failing to label accurately a sandwich that happens to get an extra squirt of mayo or a salad that a customer chooses to top off with bacon bits. H.R. 2017 would fix these issues by providing a menu board that lists nutritional information for prepared items instead of forcing these businesses to pass excessive labeling compliance costs on to their customers.

Furthermore, as a career small-business man, I know how tough it is to compete with massive corporations, and excessive red tape like this makes it even harder. While large corporations can often afford the added costs, it is the smaller businesses that get squeezed out of the marketplace by the extra burden of ever-increasing red tape.

Mr. Chairman, the FDA's regulation is just another example of Washington overreach that forces businesses to push costs, with no added benefit, onto customers.

I am proud to cosponsor this bill, and I urge my colleagues to join me in voting in favor of H.R. 2017.

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

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Chairman, I rise in strong support of the Common Sense Nutrition Disclosure Act.

This bipartisan bill would protect small businesses from overbearing FDA regulations that harm workers, job creators, our economy, and, oh, by the way, personal freedom of choice for individual citizens, who, in most cases, make good decisions and ought to have a choice in America.

The FDA's poorly designed menu labeling requirements do not take into account the diversity of restaurants and of food products. That is America. The estimated cost for places like delis, convenience stores, and pizzerias to comply would be more than $1 billion.

Mr. Chairman, we are here today to offer a practical alternative that would rein in and clarify the FDA's burdensome, one-size-fits-all approach. This commonsense bill offers an efficient and, I believe, an effective solution by giving small businesses greater flexibility to provide nutrition information in a way that best serves their customers.

I urge its passage.

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

The previous speaker said that this is all about choice. I agree with that. I think it is all about choice and about having the kind of information to make a proper choice.

Let me just give you an example of a menu from a SUBWAY in Montgomery County, Maryland.

This is from SUBWAY, which lists the calories in a standardized way, and that is what the original regulations and law required before there being this confusing change in the legislation. It reads, for example, that a SUBWAY Melt is 380 calories and that a Chicken and Bacon Ranch is 580 calories. Now, one would not necessarily assume that a SUBWAY Melt, which sounds cheesy and kind of rich, would, actually, have fewer calories—by 200—than a Chicken and Bacon Ranch. I think it is good for me and for many consumers to go in and to be able to see that and know that is going to be the standard way that calories are presented. This legislation would allow such things as this.

The covered establishments could make their own decisions about what is

a serving size. It wouldn't be the same from establishment to establishment. For example, this allows covered establishments to not list the total number of servings for an item on the menu, like a platter of a certain appetizer. For example, an advertiser could list the calories as 400 calories but not disclose that one platter—just one order—has three servings, for a total of 1,200 calories—400 versus 1,200 calories. This presents real confusion and, I would argue, misinformation to the consumer.

More and more Americans are eating food outside of the home that is prepared by restaurants or by chain grocery stores where they have a section on prepared foods. In order to have complete decisionmaking power, it is very important that we have the calories that are there and posted.

Obviously, this is not overburdening, certainly, small businesses, because this isn't about small businesses. We have the largest State in the country already having these regulations, operating smoothly. We have got the second largest city in the country—the city of New York—and we have the State of Vermont, very different kinds of locations that are being able to comply with the FDA regulations and the law that we want to go into effect next year. We do not need H.R. 2017 to confuse and disarm consumers and not provide them with the information they need.

I have another menu from Specialty Pizza: build your own pizza. What it has is a range of calories; so it would not be overburdening for every single different iteration of a pizza to have all of the different calories. There are options and there is flexibility under the legislation. It doesn't need to be changed and undermined by H.R. 2017.

If we are serious about dealing with one of the most important, expensive, and ubiquitous diseases in the United States of America—diabetes. One of the greatest problems that we face is obesity in adults and especially in children—then I think we owe it to our families to make sure that we do not pass H.R. 2017, a special interest-driven bill to decrease consumer access to important nutrition and calorie information.

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

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

Again, let me state what this bill is not. It is not doing away with the calorie count or the ability for people to understand what calorie content, or caloric content, is available in each product. I am one who looks at that. I don't know of anything that has a calorie count on anything that I have eaten recently that I haven't looked at. I have checked out the serving sizes so that I know how many chicken wings I want to order. If I can get the calories per chicken wing, I can make that determination.

We looked at the menu board that was offered earlier, and it looked simple, but this is the issue: Even if you put ranges, how do you get the information in people's hands? I was just at a restaurant, when I was traveling in my district the other day, that had calories for different orders. One was from 400 to 800 on one. So what we want to do is to make it available in a way that is efficient, as most people now get their information not necessarily on a board where you have to have big ranges, but specific. For instance, at one pizza restaurant alone, we had the pizza slice plus a few toppings; but what if you have five styles of crust, six different cheeses, five sauces, four sizes, and 20 different toppings? If you put all of that together, it comes to about 34 million different combinations, and deviations from the standard that the FDA has put forward could lead to fines and to criminal penalties.

What we are looking at, as my friend from California said, are these rules that are incredibly complex, burdensome, and inflexible. What this bill does not do is create exemptions or diminish the amount of information that must be provided by restaurants or retailers. All it does is allow for some flexibility, and it clarifies the unworkable and overly complex regulations the FDA finalized in November 2014. A lot of things that happen here are overly cumbersome and unworkable. We go to delay, to delay, and we delayed an omnibus, as they said. These are going to be unworkable 6 months from now and a year from now.

So let's fix it so that our businesses know what to provide without their having the threat of penalty, because they will know what to provide, and so that consumers can make choices. I am one, as I said, who wants that information because I want to be able to make that choice for myself and for my family.

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

Mr. PITTS. Mr. Speaker, the bill before us today takes an important step in protecting our nation's small businesses from unnecessary costs and regulatory burdens. The Common Sense Nutrition Disclosure Act provides for flexibility for the food service industry to ensure they can comply with the regulatory requirements as issued by the U.S. Food and Drug Administration (FDA).

Sadly, the rule issued by the FDA was declared to be the third most burdensome regulation proposed in 2010 and could cost American businesses $1 billion to comply and 500,000 hours of paperwork. The 400-page rule establishes one-size-fits-all nutritional disclosure requirements.

H.R. 2017 is necessary to help small business owners, franchisees, as well as consumers who want easy access to accurate nutrition information in a common sense way.

Without HR. 2017, covered establishments, including pizza delivery businesses and grocery stores, would be subject to a cumbersome, rigid and costly regulatory compliance process to avoid violations and possible criminal prosecution.

H.R. 2017 improves and clarifies the final rule promulgated by the FDA implementing the menu-labeling requirements of Section 4205 of the Affordable Care Act (ACA). The concern is that without the relief and flexibility provided for in H.R. 2017, the final rule goes well beyond what was intended by the ACA.

The obligations are imposed not only on chain restaurants—including delivery establishments, but also on any other chain retailer that sells non-packaged food, such as grocery store salad bars, and convenience stores' meals to go.

Small businesses that are not chain restaurants but are indeed subject to the rule will face a dramatic increase in regulatory compliance costs. Consumers most assuredly will see higher food costs, and perhaps fewer choices. Some retailers may find it more advantageous to stop selling restaurant-type food altogether. So instead of purchasing fresh sandwiches, consumers may have to buy pre-packaged sandwiches since those will not require the retailer to comply with labeling requirements.

Fixing this burdensome regulation will benefit tens of thousands of restaurants, grocery stores, convenience stores and small business owners that otherwise would be burdened with regulations that are costly and hurt job creation.

Mr. Speaker, this legislation provides clarity, flexibility, and certainty for these companies, and also ensures consumers have access to the information they need to make informed nutritional decisions. I urge my colleagues to support H.R. 2017.

The Acting CHAIR (Mr. HULTGREN). 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 an 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. 2017

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 ''Common Sense Nutrition Disclosure Act of 2015''.

SEC. 2. AMENDING CERTAIN DISCLOSURE REQUIREMENTS FOR RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISHMENTS.

(a) IN GENERAL.—Section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(H)) is amended—

(1) in subclause (ii)—

(A) in item (I)(aa), by striking ''the number of calories contained in the standard menu item, as usually prepared and offered for sale'' and inserting ''the number of calories contained in the whole standard menu item, or the number of servings (as reasonably determined by the restaurant or similar retail food establishment) and number of calories per serving, or the number of calories per the common unit division of the standard menu item, such as for a multiserving item that is typically divided before presentation to the consumer'';

(B) in item (II)(aa), by striking ''the number of calories contained in the standard menu item,

as usually prepared and offered for sale'' and inserting ''the number of calories contained in the whole standard menu item, or the number of servings (as reasonably determined by the restaurant or similar retail food establishment) and number of calories per serving, or the number of calories per the common unit division of the standard menu item, such as for a multiserving item that is typically divided before presentation to the consumer''; and

(C) by adding at the end the following flush text:

''In the case of restaurants or similar retail food establishments where the majority of orders are placed by customers who are off-premises at the time such order is placed, the information required to be disclosed under items (I) through (IV) may be provided by a remote-access menu (such as a menu available on the Internet) as the sole method of disclosure instead of on-premises writings.'';

(2) in subclause (iii)—

(A) by inserting ''either'' after ''a restaurant or similar retail food establishment shall''; and

(B) by inserting ''or comply with subclause (ii)'' after ''per serving'';

(3) in subclause (iv)—

(A) by striking ''For the purposes of this clause'' and inserting the following:

''(I) IN GENERAL.—For the purposes of this clause'';

(B) by striking ''and other reasonable means'' and inserting ''or other reasonable means''; and

(C) by adding at the end the following:

''(II) REASONABLE BASIS DEFINED.—For the purposes of this subclause, with respect to a nutrient disclosure, the term 'reasonable basis' means that the nutrient disclosure is within acceptable allowances for variation in nutrient content. Such acceptable allowances shall include allowances for variation in serving size, inadvertent human error in formulation or preparation of menu items, and variations in ingredients.'';

(4) by amending subclause (v) to read as follows:

''(v) MENU VARIABILITY AND COMBINATION MEALS.—The Secretary shall establish by regulation standards for determining and disclosing the nutrient content for standard menu items that come in different flavors, varieties, or combinations, but which are listed as a single menu item, such as soft drinks, ice cream, pizza, doughnuts, or children's combination meals. Such standards shall allow a restaurant or similar retail food establishment to choose whether to determine and disclose such content for the whole standard menu item, for a serving or common unit division thereof, or for a serving or common unit division thereof accompanied by the number of servings or common unit divisions in the whole standard menu item. Such standards shall allow a restaurant or similar retail food establishment to determine and disclose such content by using any of the following methods: ranges, averages, individual labeling of flavors or components, or labeling of one preset standard build. In addition to such methods, the Secretary may allow the use of other methods, to be determined by the Secretary, for which there is a reasonable basis (as such term is defined in subclause (iv)(II)).'';

(5) in subclause (x)—

(A) by striking ''Not later than 1 year after the date of enactment of this clause, the Secretary shall promulgate proposed regulations to carry out this clause.'' and inserting ''Not later than 1 year after the date of enactment of the Common Sense Nutrition Disclosure Act of 2015, the Secretary shall issue proposed regulations to carry out this clause, as amended by such Act. Any final regulations that are promulgated pursuant to the Common Sense Nutrition Disclosure Act of 2015, and any final regulations that were promulgated pursuant to this clause before the date of enactment of the Common Sense Nutrition Disclosure Act of 2015, shall not take effect earlier than 2 years after the promulgation of final regulations pursuant to the Common Sense Nutrition Disclosure Act of 2015.''; and

(B) by adding at the end the following:

''(IV) CERTIFICATIONS.—Restaurants and similar retail food establishments shall not be required to provide certifications or similar signed statements relating to compliance with the requirements of this clause.'';

(6) by amending subclause (xi) to read as follows:

''(xi) DEFINITIONS.—In this clause:

''(I) MENU; MENU BOARD.—The term 'menu' or 'menu board' means the one listing of items which the restaurant or similar retail food establishment reasonably believes to be, and designates as, the primary listing from which customers make a selection in placing an order. The ability to order from an advertisement, coupon, flyer, window display, packaging, social media, or other similar writing does not make the writing a menu or menu board.

''(II) PRESET STANDARD BUILD.—The term 'preset standard build' means the finished version of a menu item most commonly ordered by consumers.

''(III) STANDARD MENU ITEM.—The term 'standard menu item' means a food item of the type described in subclause (i) or (ii) of subparagraph (5)(A) with the same recipe prepared in substantially the same way with substantially the same food components that—

''(aa) is routinely included on a menu or menu board or routinely offered as a self-service food or food on display at 20 or more locations doing business under the same name; and

''(bb) is not a food referenced in subclause (vii).''; and

(7) by adding at the end the following:

''(xii) OPPORTUNITY TO CORRECT VIOLATIONS.—Any restaurant or similar retail food establishment that the Secretary determines is in violation of this clause shall have 90 days after receiving notification of the violation to correct the violation. The Secretary shall take no enforcement action, including the issuance of any public letter, for violations that are corrected within such 90-day period.''.

(b) NATIONAL UNIFORMITY.—Section 403A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(b)) is amended by striking ''may exempt from subsection (a)'' and inserting ''may exempt from subsection (a) (other than subsection (a)(4))''.

SEC. 3. LIMITATION ON LIABILITY FOR DAMAGES ARISING FROM NONCOMPLIANCE WITH NUTRITION LABELING REQUIREMENTS.

Section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(H)), as amended by section 2, is further amended by adding at the end the following:

''(xiii) LIMITATION ON LIABILITY.—A restaurant or similar retail food establishment shall not be liable in any civil action in Federal or State court (other than an action brought by the United States or a State) for any claims arising out of an alleged violation of—

''(I) this clause; or

''(II) any State law permitted under section 403A(a)(4).''.

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 114–421. 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 MRS. MCMORRIS RODGERS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114–421.

Mrs. MCMORRIS RODGERS. 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:

On page 5, strike lines 15 through 24 and insert the following:

''(II) PERMISSIBLE VARIATION.—If the restaurant or similar food establishment uses such means as the basis for its nutrient content disclosures, such disclosures shall be treated as having a reasonable basis even if such disclosures vary from actual nutrient content, including but not limited to variations in serving size, inadvertent human error in formulation or preparation of menu items, variations in ingredients, or other reasonable variations.'';

The Acting CHAIR. Pursuant to House Resolution 611, the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Mrs. MCMORRIS RODGERS. Mr. Chairman, the amendment I am offering is a clarifying amendment.

Current law requires that restaurants and food establishments have a reasonable basis for how they determine the calorie count they ultimately disclose to their customers. The FDA's final rule does not accommodate for the variability that is involved when preparing food. Especially when chefs are preparing fresh, custom order items, mistakes and variations are inevitable. For example, if someone is making a pizza and is adding a handful of every topping, chefs' hands are different sizes, so people may end up with more or less of each ingredient.

The amendment will provide the added flexibility that we want for food establishments to determine accurate nutrient disclosures by allowing for permissible variations, like inadvertent human error, while also ensuring that businesses and their employees will not be criminally penalized.

Now I want to address some of the concerns that were raised by my colleagues from across the aisle about the underlying legislation, H.R. 2017.

This bill is not about the merits of calorie counts. This bill does not remove any requirements for calorie counts on menus. This bill certainly does not make it more difficult for customers to receive nutritional information. This bill, at its very core, is about flexibility. In trying to create a uniform standard, the FDA's rule attempts to impose a one-size-fits-all approach to an industry as diverse as its ingredients.

□ 1045

Every deli and salad bar offering, every possible pizza topping combination will soon have to be calculated

and their calorie count displayed on physical menus.

This is problematic for two reasons: First, the made-to-order portion of the food industry offers endless, constantly changing combinations of ingredients. For some sandwich shops and pizzerias, the possible variations are tens of millions. The FDA wants these restaurants to put on paper all of these variations and their calorie counts and have it publicly displayed in the restaurant. It is unrealistic.

Second, digital and online ordering are many customers' preferred methods of ordering. Nearly 90 percent of orders in some restaurants are placed by an individual never stepping foot into the restaurant. So tell me, why does it make sense to force a restaurant to have a physical menu with calorie listings when 90 percent of your customers aren't ever going to see it? How does it make sense to force a customer to navigate millions of combinations to find the nutritional information that matches their order?

This legislation provides flexibility in how these restaurants provide the nutritional information. It makes it easier for customers to actually see and understand the information because it is displayed where the customer actually places the order, including by phone, online, or through mobile apps.

By bringing this rule into the 21st century, customers can trust that they are getting more reliable information in an easy-to-access, consumer-friendly way. It also protects small-business owners and their employees from frivolous lawsuits and criminal actions that could be honest, inadvertent human error. Accidentally putting too many pickles on a sandwich and increasing its calorie count should not be a criminal offense.

This bill is about trusting people through their elected representatives to make their own decisions and pursue their own dreams. It is all a part of the choice that we are offering America as we move forward in 2016.

Before I close, I want to thank my colleagues and the stakeholders, including the National Restaurant Association, which has withdrawn its previous opposition to the bill, for their hard work in this bipartisan effort. Thank you, everyone. It has been a team effort, and I appreciate your support.

Finally, I encourage my colleagues on both sides of the aisle to support this important amendment and ultimately vote ''yes'' for the bipartisan, commonsense Nutrition Disclosure Act.

Mr. Chairman, I include in the RECORD this letter from the National Grocers Association.

NATIONAL GROCERS ASSOCIATION

KEY VOTE,
February 9, 2016.

Hon. PAUL RYAN,
Speaker of the House, The Capitol, Washington, DC.
Hon. KEVIN MCCARTHY,
Majority Leader, The Capitol, Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, The Capitol, Washington, DC.
Hon. STENY HOYER,
Democratic Whip, The Capitol, Washington, DC.

DEAR SPEAKER RYAN, LEADER PELOSI, LEADER MCCARTHY, AND REPRESENTATIVE HOYER: On behalf of the National Grocers Association (NGA), I am writing to express our support for H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015, which would provide common sense reforms to the Food and Drug Administration's (FDA) final rule for Nutritional Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments (FDA–2011–0172). NGA strongly encourages the House to pass this bill with bipartisan support. We commend House Leadership for bringing this bill to the Floor and the champions of the legislation, Congresswomen Cathy McMorris Rodgers (R–WA) and Loretta Sanchez (D–CA).

NGA is the national trade association representing the retail and wholesale grocers that comprise the independent channel of the food distribution industry. An independent retailer is a privately owned or controlled food retail company operating a variety of formats. Most independent operators are serviced by wholesale distributors, while others may be partially or fully self-distributing. Some independents are publicly traded, but with controlling shares held by the family and others are employee owned. Independents are the true ''entrepreneurs'' of the grocery industry and dedicated to their customers, associates, and communities. The independent supermarket channel is accountable for close to 1% of the nation's overall economy and is responsible for generating $131 billion in sales, 944,000 jobs, $30 billion in wages, and $27 billion in taxes.

As part of the nutrition labeling provisions contained in the Affordable Care Act (ACA), the FDA is requiring the disclosure of caloric information for standard menu items in restaurants and retail food establishments. The provision amended the Federal Food, Drug, and Cosmetic Act (FFDCA) to require restaurants and similar retail food establishments that are part of a chain operating 20 or more locations and doing business under the same name to provide nutritional information for standard menu items, including food on display and self-service food. The original intent of the provision contained in the ACA aimed to provide one federal standard for chain restaurants with highly standardized menus and menu boards from regulatory confusion created by a growing list of state and local laws regarding nutrition information disclosures. Unfortunately, throughout the rulemaking process the FDA greatly expanded the scope of the rule, and has now included companies that have highly specialized menus that vary by location, including supermarkets.

H.R. 2017 contains important regulatory fixes that would eliminate confusion and uncertainty in implementation, limit burdensome regulatory costs and provide flexibility to community oriented supermarkets, allowing them to tailor their offerings to the neighborhoods and communities they serve. Importantly, H.R. 2017 does not exempt any entities, including supermarkets from the requirements under the law.

Under the FDA rule, independent supermarket operators with 20 or more locations would be required to provide caloric information throughout the store, including menus, display cases, booklets, pamphlets or fliers, advertising circulars. For independent supermarkets that provide extensive fresh and local options, freshly baked goods, cut fruit, and salad bars, this creates challenges in terms of how to properly display this information. H.R. 2017 provides important flexibility for supermarkets while also ensuring consumers are provided with the information they desire.

Additionally, the rule does not provide flexibility for unique, local items that are sold at only one store within a chain. Many independent grocers take pride in providing fresh and local items that reflect the communities in which they operate, often contracting with local businesses in order to provide one or two items to one location. NGA believes that this provides a large disincentive for independent supermarket operators to continue providing localized options. H.R. 2017 provides flexibility to ensure independent supermarkets can continue to provide these local, unique products.

As currently constituted, the final menu labeling rule creates extensive legal liability issues for independent supermarket operators. Due to the fact that the menu labeling rule falls under the FFDCA, failure to comply with the menu labeling rule in any way carries potential felony penalties, including the possibility of jail time. Additionally, there is no grace period or warning system in place for first-time offenders who may be in violation of the rule due to inadvertent human error, such as adding an extra slice of ham to a sandwich, additional pepperoni to a pizza, or simply placing an item in the ''wrong'' bin before placing it in the salad bar. H.R. 2017 protects front line employees who make inadvertent mistakes while also providing establishments with 90 days to take corrective action prior to any enforcement action. Additionally, businesses are protected from frivolous lawsuits by prohibiting private rights of action.

NGA strongly supports H.R. 2017, and urges the House to pass this common sense bill to provide businesses with regulatory relief from this unworkable rule, while continuing to ensure that consumers receive the nutritional information they require from their local independent supermarket. NGA urges all Representatives to vote in favor of H.R. 2017, and will consider this a ''key vote'' for our scorecard for the 114th Congress.

Sincerely,

GREG FERRARA,
Senior Vice President, Government Relations and Public Affairs, National Grocers Association.

Mrs. MCMORRIS RODGERS. Mr. Chairman, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in opposition to the amendment offered today by Representatives MCMORRIS RODGERS and CÁRDENAS. This amendment would further undermine consumer confidence in the nutrition information they receive from restaurants and retail food establishments. One could call it flexibility, which actually the current legislation provides; and others, including me, would call it adding confusion.

Under the Federal menu labeling law, restaurants and retail food establishments are supposed to have a reasonable basis for determining calorie and nutrition information for their menu items. This can be done using a nutrient database, such as USDA's National Nutrient Database, cookbooks, recipes, nutrition fact labels, or FDA's nutrient values, among others. Again, the FDA is allowing significant flexibility, as it is, in how establishments determine this information. What is most important to the agency is that this information is accurate and consistent.

Some stakeholders have raised concerns about changes to the nutrition information based on an employee being too heavyhanded with one ingredient, like pickles, or perhaps not following the recipe appropriately. We can all understand that in cooking, this type of flexibility is needed. FDA's guidance addresses the question of how closely standard menu items must match the nutrient values, advising that an establishment ''must take reasonable steps to ensure that how you prepare your product . . . and how you serve your product are the same as those used to determine the calorie and nutrient declarations.''

The McMorris Rodgers-Cárdenas amendment further undermines the ''reasonable basis'' standard outlined in H.R. 2017 and in FDA's final rule by permitting any type of variation for any reason from the nutrient content disclosed to the actual nutrient content in the standard menu item. Under this amendment, a restaurant would be able to change their recipe or how they prepare the food or swap out one ingredient for another and not have to change the nutrient information they disclose to account for these variations.

This amendment would also allow for further inconsistencies from restaurant to restaurant or grocery store to grocery store, as what might be a permissible variation to one restaurant or one grocery store may not be permissible to others, again, potentially creating an uneven playing field among the industry.

It is also important to note that this amendment is inconsistent with requirements for food labeling under the Federal Food, Drug, and Cosmetic Act. This law requires that food labeling be truthful and not misleading. If nutrient content disclosures can vary for any reason to any extent, it would undermine such requirement in the Federal Food, Drug, and Cosmetic Act, a requirement that the food industry has long had to meet.

As we have said all along, for calorie and nutrition information to be valuable to consumers, it must be accurate and it must be consistent. If consumers have no reason to believe that what is disclosed by a restaurant is accurate, then the disclosure of nutrient information is rendered meaningless.

I believe FDA's guidance has provided a great deal of flexibility for how nutrient content should be disclosed, and I know the agency is committed to working with covered establishments to meet the requirement of providing accurate, consistent nutrition information in a way that is feasible for the establishment.

I urge my colleagues to vote ''no'' on the amendment.

Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Illinois has 1½ minutes remaining.

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

Mrs. MCMORRIS RODGERS. Mr. Chairman, just to clarify, we are not getting rid of the ''reasonable basis'' definition, and it does not allow for any variation. What it says is, where there is inadvertent human error, there would not be criminal penalties attached to that.

I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, let me make a point. The fact has been mentioned that people can go online and they can find their information in that way. Forty-nine percent of orders are placed from in-store menus. Food establishments can bury anything online. Not everyone has access to that kind of information. All of the studies have determined that you make your choice at the point of purchase.

I want to make one other comment because the National Restaurant Association has been talked about here this morning. Let me just quote to you Scott DeFife, executive vice president of the National Restaurant Association, who praised the menu labeling law when the two of us stood to introduce this legislation 6 years ago. He said why it was a good thing to do and why he praised it and why the National Restaurant Association was foursquare for it: ''It sets a clear national standard across the country.''

They were opposed to this bill. They have been all along. God only knows what happened in the last 24 or 48 hours to have the National Restaurant Association, which we stood shoulder to shoulder as we passed this unbelievably record-breaking bill in order to allow people to know what they are eating, make their own choice, and to know the calorie content of food, standard-sized menus. The variations are not there.

So much misinformation is being peddled on this floor today about what was a bill to protect the American public.

Ms. SCHAKOWSKY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. SCHAKOWSKY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

The Chair understands amendment No. 2 will not be offered.

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114–421.

Mr. SCHRADER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 3, line 24, insert ''and'' after the semicolon.

Strike page 4, lines 13 through 22.

The Acting CHAIR. Pursuant to House Resolution 611, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chairman, though I support efforts to clarify rules as they apply to consumers and small business, this bill, as currently constructed, creates an inequity in the industry by creating an exception for many menu labeling rules for certain establishments, particularly chain pizza shops and other restaurants that could potentially serve a majority of their customers via remote ordering.

While I have nothing against these businesses, I believe all restaurants should be treated equally. My amendment merely ensures that the rules are applied fairly by removing this exemption from the bill.

Under the terms of the bill, most chain restaurants will be required to list calories on menus at the point of purchase. However, pizza chains and other establishments where most orders could be placed off-site, will gain an exemption from this rule. They will not be required to list calories in their brick-and-mortar locations, even when orders are placed on-site. This is an inequitable and unfair exemption. While the vast majority of large chain restaurants will be required to list the calories in their physical location, these folks will not.

In addition to being unfair to businesses, it is also confusing to the consumers, whom we are actually trying to protect with this current bill. They will see calorie information when they place an order at one restaurant but not necessarily at their local pizza shop.

Opponents of the FDA rule argue the provision is necessary because pizza restaurants offer many menu items and will not be able to comply with the rule. This is simply not true. The FDA rule already allows some variation within menu labels and serving parameters. Generally, I agree that one size does not fit all when it comes to rulemaking for businesses, but not in this case.

The National Restaurant Association has indicated that most of their members are preparing to comply with the menu labeling rules. By all means, the FDA should assist these restaurants with proper guidance, but specifying an exemption to one segment of the industry is unfair, inequitable, and confusing to the consumer.

You might hear opponents of my amendment argue the exemption allows pizza chains to post calorie information online rather than in their physical locations. For these Members, I have good news. If my amendment is adopted, these restaurants will still be able to offer this information online. In fact, many restaurants already do so, and those businesses should be commended for their transparency.

Mr. Chairman, we don't need to add unfair and confusing exemptions to the difficult menu labeling rule we already have. The FDA has indicated a willingness to work with all affected to provide guidance and clarity to make compliance easier. This is what our businesses want and need.

I ask my colleagues to join me in assuring fairness for businesses and clarity for consumers. Please reject this bill—it is an unfair loophole—and vote ''yes'' on this amendment.

I reserve the balance of my time.

Mr. WALBERG. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Mr. Chairman, I express appreciation to my colleague who offers this amendment; yet I rise in opposition because, in fact, this amendment undermines a key provision of the Common Sense—I will repeat that—the Common Sense Nutrition Disclosure Act, which is a bipartisan bill that makes necessary changes to the FDA's menu labeling regulations.

If, indeed, as has been stated, the FDA is willing to work and be flexible, we wouldn't need this legislation. It is because they have shown no real flexibility that this legislation has been offered.

Currently, FDA's menu labeling rules remain costly, ineffective, and overly burdensome for more than 70,000 restaurants. That is no small number, Mr. Chairman. For places like pizza shops, where the vast majority of orders are online—and, yes, they are providing a service, in most cases, online for their customers—they are voluntarily doing it and really doing it in a quality way. It is nearly impossible for a single menu board to be designed in a way that can provide accurate calorie counts for literally millions of combinations.

The FDA sadly ignores the realities of a diverse market and the technological advances, innovation, creativity, et cetera, by applying the same menu standard as a one-size-fits-all, top-down approach, and that is the reality that is out there with the FDA.

If the House accepts this amendment which strips the remote ordering provision from the bill, it would greatly harm a bill that seeks to provide an alternative method for thousands of small businesses to effectively share nutritional information with consumers.

□ 1100

The FDA menu requirements simply do not make sense neither for the restaurant nor for consumers.

I urge my colleagues to reject this amendment, however well meaning, and support the underlying bipartisan bill that protects small businesses from overbearing FDA regulations that harm workers, job creators, consumers, and our economy.

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

Mr. SCHRADER. Mr. Chair, how much time is remaining?

The Acting CHAIR. The gentleman from Oregon has 2½ minutes remaining. The gentleman from Michigan has 2½ minutes remaining.

Mr. SCHRADER. Mr. Chair, I yield 30 seconds to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the ranking member.

Ms. SCHAKOWSKY. Mr. Chair, there were so many falsehoods, really, in what my colleague across the aisle said. We have evidence in California, the city of New York, and Vermont that absolutely restaurants can comply. It is not about small businesses, about 20 or more establishments with the same name.

This idea of 50 percent online, this is not the vast majority of their information online. It is 50 percent. We already know that 49 percent of orders at these establishments are done in person. What about those people who come in? Are they not entitled to the same thing that is in other restaurants?

Mr. Chair, I support the gentleman's amendment.

Mr. WALBERG. Mr. Chair, I will respond just briefly to that. It is truly about making this information meaningful. I watch my wife go online on her iPhone to check calories all the time. She does it better than I do. But consumers are moving in that direction.

I have walked through various industries, including Domino's, and have seen the amazing technological advances that they have that are putting their consumers first and giving them the ability to know this in a far more meaningful way than you can do on a menu board. So I reject that argument, absolutely, in defense of the consumer as well as the industry.

Mr. Chair, again, I appreciate the concern that my colleague expresses here; yet, I still stand in very strong support of giving this opportunity, making sure that FDA is pushed into a flexibility that I don't believe they are willing to go. This is for the consumer in the end. This allows advances to move within the market.

I think we will find that all concerns are met and addressed very well, but we don't put unnecessary burdens upon businesses, job providers, and, ultimately, on the choice of citizens to have a better opportunity to make better choices. And, oh, by the way, we reaffirm in our country the desire to give people personal responsibility and personal choice together.

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

Mr. SCHRADER. Mr. Chairman, I appreciate the gentleman from Michigan's discussion. I want to assure him and everyone out there that the online ordering is still allowed under my amendment so that those people who have technology can do so.

But for seniors and some of our less-advantaged folks at home, they can go to the store and also get that information, which is not allowed under this current bill, but would be allowed under my amendment.

To the argument that there are too many combinations to be accounted for, the FDA does allow for flexibility in listing calories for menu items so they are accessible in different restaurant types. Pizza shops in locations like New York and Montgomery County, Maryland, already are complying with rules very similar to these.

Other restaurants have indicated a willingness to comply, including a national chain that sells coffee, doughnuts, and ice cream: Dunkin' Donuts, Baskin-Robbins. They serve 15,000 different ways of coffee, sandwiches 3,000 different ways, ice cream sundaes 80,000 different ways. They can comply under my amendment. Why can't everyone else?

The NRA itself, the National Restaurant Association, says it is critical that all businesses that have made the strategic decision to sell restaurant food play by the same rules.

Furthermore, they talk about that such provisions create inconsistent and erratic labeling by putting in these exemptions not only among restaurants, but among restaurants, food service operators, grocery stores, convenience stores, et cetera.

My amendment removes this unfair exemption. Very simple. Government should not be in the business of picking winners and losers in private enterprise. The same rules should apply to everybody.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SCHRADER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments printed in House Report 114–421 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mrs. MCMORRIS RODGERS of Washington.

Amendment No. 3 by Mr. SCHRADER of Oregon.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) on which further proceedings were postponed and on which the ayes 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 309, noes 100, answered ''present'' 1, not voting 23, as follows:

[Roll No. 79]

AYES—309

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Ashford
Babin
Barletta
Barr
Barton
Beatty
Benishek
Bera
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Chabot
Chaffetz
Cicilline
Clawson (FL)
Clay
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Curbelo (FL)
Davis (CA)
Davis, Rodney
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Heck (WA)
Hensarling
Hice, Jody B.
Hill
Holding
Huelskamp
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Keating
Kelly (MS)
Kelly (PA)
Kennedy
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lucas
Luetkemeyer
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Sean
Marchant
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Palmer
Pascrell
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price (NC)
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Ruiz
Ruppersberger
Russell
Ryan (OH)
Salmon
Sanchez, Loretta
Sanford
Scalise
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Takai
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NOES—100

Bass
Becerra
Beyer
Blumenauer
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Capps
Capuano
Chu, Judy
Clark (MA)
Clarke (NY)
Cleaver
Conyers
Courtney
Crowley
Cummings
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Frankel (FL)
Fudge
Gabbard
Gallego
Grayson
Green, Al
Gutiérrez
Hastings
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson, E. B.
Kaptur
Kelly (IL)
Kildee
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lowenthal
Lowey
Lujan Grisham (NM)
Maloney, Carolyn
McCollum
McDermott
McGovern
Nadler
Napolitano
Neal
Payne
Pelosi
Pingree
Polis
Quigley
Rangel
Rice (NY)
Roybal-Allard
Rush
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Serrano
Slaughter
Speier
Swalwell (CA)
Takano
Thompson (MS)
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)

ANSWERED ''PRESENT''—1

Yarmuth

NOT VOTING—23

Amodei
Bonamici
Castor (FL)
Castro (TX)
Cohen
DeSantis
Fincher
Grijalva
Heck (NV)
Herrera Beutler
Hudson
Huizenga (MI)
Lieu, Ted
Moore
Pallone
Pocan
Ribble
Smith (WA)
Stivers
Stutzman
Wasserman Schultz
Westmoreland
Zinke

□ 1128

Mr. VISCLOSKY, Ms. GABBARD, and Mr. HASTINGS changed their vote from ''aye'' to ''no.''

Messrs. TONKO, MASSIE, LIPINSKI, BEN RAY LUJÁN of New Mexico, JOYCE, Mrs. BEATTY, Messrs. THOMPSON of California, CLYBURN, and RICHMOND changed their vote from ''no'' to aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. SCHRADER) 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 Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 258, answered ''present'' 1, not voting 26, as follows:

[Roll No. 80]

AYES—148

Adams
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Capps
Capuano
Carney
Carson (IN)
Cartwright
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Connolly
Conyers
Cooper
Costa
Crowley
Cummings
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Doggett
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Mooney (WV)
Moulton
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Slaughter
Speier

Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Waters, Maxine
Watson Coleman

NOES—258

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

ANSWERED ''PRESENT''—1

Yarmuth

NOT VOTING—26

Amodei
Bonamici
Castor (FL)
Castro (TX)
Cohen
Fincher
Franks (AZ)
Grijalva
Heck (NV)
Herrera Beutler
Hudson
Huizenga (MI)
Lieu, Ted
Moore
Pallone
Pocan
Rokita
Smith (WA)
Stivers
Stutzman
Turner
Walker
Wasserman Schultz
Westmoreland
Wilson (FL)
Zinke

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1132

Mr. NORCROSS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEVIN. Mr. Speaker, I rise to correct my vote from earlier today on rollcall 80, which was the Schrader amendment to H.R. 2017. While my vote was recorded as a "nay" it was my intention to vote "yea."

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. NEWHOUSE) having assumed the chair, Mr. HULTGREN, 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. 2017) to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A, and, pursuant to House Resolution 611, 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 the 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 noes appeared to have it.

Mrs. McMORRIS RODGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 5-minute vote on passage of H.R. 2017 will be followed by a 5-minute vote on the motion to suspend the rules and concur in the Senate amendment to H.R. 757.

The vote was taken by electronic device, and there were—yeas 266, nays 144, answered ''present'' 1, not voting 22, as follows:

[Roll No. 81]

YEAS—266

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

Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NAYS—144

Adams
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Capps
Capuano
Carney
Carson (IN)
Cartwright
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Kelly (IL)
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Maloney, Carolyn
Maloney, Sean
Massie
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moulton
Nadler
Napolitano
Nolan
Norcross
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Serrano
Sewell (AL)
Sherman
Slaughter
Speier
Swalwell (CA)
Takano
Thompson (CA)
Titus
Torres
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Waters, Maxine
Watson Coleman
Wilson (FL)

ANSWERED ''PRESENT''—1

Yarmuth

NOT VOTING—22

Amodei
Bonamici
Brady (TX)
Castor (FL)
Castro (TX)
Cohen
Fincher
Grijalva
Heck (NV)
Herrera Beutler
Hudson
Huizenga (MI)
Lieu, Ted
Moore
Pallone
Pocan
Smith (WA)
Stivers
Stutzman
Wasserman Schultz
Westmoreland
Zinke

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1141

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 757) to improve the enforcement of sanctions against the Government of North Korea, and for other purposes, 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 California (Mr. ROYCE) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 2, not voting 23, as follows:

[Roll No. 82]

YEAS—408

Abraham
Adams
Aderholt
Aguilar
Allen
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bost
Boustany
Boyle, Brendan F.
Brady (PA)
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Donovan
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Emmer (MN)
Engel
Eshoo
Esty
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grothman
Guinta
Guthrie
Gutiérrez
Hahn
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (WA)
Hensarling
Hice, Jody B.
Higgins
Hill
Himes
Hinojosa
Holding
Honda
Hoyer
Huelskamp
Huffman
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Israel
Issa
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Katko
Keating
Kelly (IL)
Kelly (MS)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kirkpatrick
Kline
Knight
Kuster
Labrador
LaHood
LaMalfa
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lawrence
Lee
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matsui
McCarthy
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Nunes
O'Rourke
Olson
Palazzo
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Poe (TX)
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (NY)
Rice (SC)
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce
Ruiz
Ruppersberger
Rush
Russell
Ryan (OH)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Stefanik
Stewart
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin

NAYS—2

Amash
Massie

NOT VOTING—23

Amodei
Bonamici
Castor (FL)
Castro (TX)
Cohen
Fincher
Grijalva
Heck (NV)
Herrera Beutler
Hudson
Huizenga (MI)
Lieu, Ted
Moore
Pallone
Pocan
Smith (WA)
Stivers
Stutzman
Tipton
Wasserman Schultz
Waters, Maxine
Westmoreland
Zinke

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1149

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SMITH of Washington. Mr. Speaker, on Tuesday, February 9; Wednesday, February 10; Thursday, February 11; and Friday, February 12, 2016, I was on medical leave while recovering from hip replacement surgery and unable to be present for recorded votes. Had I been present, I would have voted: ''Yes'' on rollcall vote No. 64 (on the motion to suspend the rules and pass H.R. 3036, as amended).

"No" on rollcall vote No. 65 (on ordering the previous question on H. Res. 609). "No" on rollcall vote No. 66 (on agreeing to the resolution H. Res. 609). "Yes" on rollcall vote No. 67 (on the motion to suspend the rules and pass H.R. 4470, as amended). "Yes" on rollcall vote No. 68 (on agreeing to the Eddie Bernice Johnson Amendment to H.R. 3293). "Yes" on rollcall vote No. 69 (on the motion to recommit H.R. 3293, with instructions). "No" on rollcall vote No. 70 (on passage of H.R. 3293). "Yes" on rollcall vote No. 71 (on agreeing to the Kelly of Illinois Amendment to H.R. 3442). "No" on rollcall vote No. 72 (on agreeing to the Duffy Amendment to H.R. 3442). "Yes" on rollcall vote No. 73 (on agreeing to the Grijalva Amendment to H.R. 3442). "Yes" on rollcall vote No. 74 (on agreeing to the Takano Amendment to H.R. 3442). "Yes" on rollcall vote No. 75 (on the motion to recommit H.R. 3442, with instructions). "No" on rollcall vote No. 76 (on passage of H.R. 3442). "No" on rollcall vote No. 77 (on ordering the previous question on H. Res. 611). "No" on rollcall vote No. 78 (on agreeing to the resolution H. Res. 611). "No" on rollcall vote No. 79 (on agreeing to the McMorris Rodgers Amendment to H.R. 2017). "Yes" on rollcall vote No. 80 (on agreeing to the Schrader Amendment to H.R. 2017). "Yes" on rollcall vote No. 81 (on passage of H.R. 2017). "Yes" on rollcall vote No. 82 (on the motion to concur in the Senate amendment to H.R. 757).

PERSONAL EXPLANATION

Mr. CASTRO of Texas. Mr. Speaker, my vote was not recorded on rollcall No. 79 on the McMorris Rodgers Amendment to H.R. 2017—Common Sense Nutrition Disclosure Act. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present, I would have voted "nay."

Mr. Speaker, my vote was not recorded on rollcall No. 80 on the Schrader Amendment to H.R. 2017—Common Sense Nutrition Disclosure Act. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present I would have voted "aye".

Mr. Speaker, my vote was not recorded on rollcall No. 81 on the Final Passage of H.R. 2017—Common Sense Nutrition Disclosure Act. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present I would have voted "nay".

Mr. Speaker, my vote was not recorded on rollcall No. 82 on Concurring in the Senate Amendment to H.R. 757—North Korea Sanctions and Policy Enhancement Act of 2016. I am not recorded because I was absent due to the birth of my son in San Antonio, Texas. Had I been present I would have voted "aye".

FLIGHT 3407 ANNIVERSARY

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

Mr. COLLINS of New York. Mr. Speaker, today I rise to remember the 50 men and women and the 1 unborn child who died 7 years ago today in the crash of Continental Flight 3407.

As Erie County Executive, I was in charge of the emergency response and one of the first people on the scene. The plane crashed less than a mile from my house. I will never forget what I saw and the grief of the families who lost loved ones that fateful night.

Over the past 7 years, Flight 3407 families have been relentless in the fight to achieve one level of aviation safety for all airline carriers, from new training standards to guidelines that prevent pilot fatigue.

On this seventh anniversary, we remember those who died that night and reinforce our commitment to ensure the safety measures these families have fought so hard to enact will stay in place.

POVERTY AND THE BUDGET

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

Mr. HOYER. Mr. Speaker, the Democratic Whip Task Force on Poverty, Income Inequality, and Opportunity was launched to bring to the forefront of Congress' attention the everyday challenges of Americans living in poverty.

On Tuesday, the President sent us a budget that invests in meeting our greatest challenges: creating opportunity for all, an objective that all of us I think are committed to.

The budget expands Pell grants to make college more affordable and supports more apprenticeships and skills training so that young people and others can make it in America. It doubles investment in clean energy and R&D to attract more jobs while tackling climate change.

The President's budget expands access to quality child care and paid leave for working parents and provides children from low-income families healthy meals over the summer months when they are out of school, but are still eating, of course. It makes it easier to save for a retirement and provides a better backstop for when economic circumstances push careers off track.

Now, Mr. Speaker, it is up to Congress to craft a budget. I hope Republicans will work with us to provide the opportunities necessary to escape poverty, as Speaker RYAN says we ought to do.

Mr. Speaker, I thank the chairwoman, BARBARA LEE, and her members of the task force for undertaking and focusing on this important effort.

RECOGNIZING SECRETARY MICHAEL LUMPKIN

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

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to recognize the accomplishments of Michael Lumpkin, Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict, and congratulate him on his new position as director of the newly established Global Engagement Center at the Department of State.

A decorated Navy SEAL, Secretary Lumpkin has quickly distinguished himself at the Pentagon as a senior adviser to the Secretary of Defense on all matters related to Special Operations Forces.

He has also worked to develop special operations forces partnerships with foreign nations to sustain and improve global counter-terrorism operations. His engagement on this issue will ensure that Special Operations Forces remain an effective component of defense strategy.

Secretary Lumpkin has also enhanced efforts to counter narcotics, illicit trafficking, and transnational organized crime. He has been instrumental in guiding counter-narcotics and counterinsurgency operations successfully in the Republic of Colombia.

I know his expertise will be greatly missed at the Department of Defense. I look forward to seeing his accomplishments in his new role at the Department of State.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

Mr. MCGOVERN. Mr. Speaker, I rise today to oppose a Republican bill that was introduced yesterday that would let States use drug testing to determine low-income Americans' eligibility to receive food assistance through SNAP, the Supplemental Nutrition Assistance Program.

This is nothing more than an attempt to demonize poor people and has no basis in reality.

Similar laws in Florida and Georgia were struck down as unconstitutional and only waste thousands of taxpayer dollars to identify very few drug users. In fact, those receiving public assistance actually test positive at a lower rate than the general population.

Why aren't my Republican colleagues calling for drug testing for wealthy CEOs and oil company executives who receive taxpayer subsidies? Why is it that they always pick on poor people? It is a lousy thing to do.

SNAP is intended to help people put food on the table when they are struggling to find work, when their current job is not paying enough, or simply when they have fallen on hard times.

We should be talking about improving the SNAP benefit so that families can afford more nutritious food, not creating more insulting hoops for vulnerable families to have to jump through.

PAYING TRIBUTE TO RONALD JASON ADAMS

(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 in sadness to honor the life and bravery of one of Arkansas' finest citizens, Ronald Jason Adams.

On Friday, January 22, Mr. Adams, a lieutenant at the Sherwood Fire Department with 5 years of experience, was shot and killed while responding to an emergency medical call in North Little Rock, Arkansas. He was just 29 years old.

I was honored to attend a flashlight vigil for Jason on January 25 and was moved by the turnout from our entire community to honor his life.

Every time we lose one of our first responders, our community experiences a little fray or tear in our beautifully crafted quilt of our towns.

Our first responders in Arkansas and throughout the country deserve our gratitude and our respect. Lieutenant Adams' death is a tragic reminder of the dangers these brave men and women face every day.

I extend my warmest regards and prayers to his loved ones. He will be greatly missed.

BLACK HISTORY MONTH

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

Mr. KENNEDY. Mr. Speaker, this Black History Month, as we celebrate and honor those who shaped American history, we cannot afford to lose sight of the present and our future.

It was only five decades ago that men and women in every corner of this country concluded their patient, persistent, and peaceful march to the voting booth, gaining an equal voice in this country.

You don't have to leave this Chamber to see firsthand the scars that this march left behind. For so many, including some of our colleagues, the memories of being denied that sacred right to vote have never and will never fade.

Unfortunately, Mr. Speaker, some of those similar memories are now forming again for a new generation of Americans.

Respectfully, Mr. Speaker, I ask you to bring the Voting Rights Amendment Act to the floor immediately. Our Nation deserves a vote on this important legislation.

□ 1200

CONGRATULATING COLONEL SANDY BEST

(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 congratulate Colonel Sandy Best, who will become the very first female general in the Minnesota National Guard, first in history with her promotion to Brigadier General next week.

Best will command the Air National Guard units in Minnesota, including the 133rd Airlift Wing at the Minneapolis-St. Paul International Airport and the 148th Fighter Wing in Duluth.

Colonel Best has served admirably as Director of Strategic Relations and also as Director of Government Relations for the Minnesota National Guard and her promotion is well deserved.

Colonel Best will continue to play a critical role in helping to keep our country safe and secure, and will act as a leader to our military men and women in Minnesota.

Not only that, but this historic event is a welcome precedent for our other Minnesota National Guard members, as I am sure many other women will rise in ranks following in her footsteps.

I look forward to working with Colonel Best—now General Best in the future—as she continues to make Minnesota Air National Guard among the best in the country.

CONGRATULATING THE DENVER BRONCOS ON THEIR SUPER BOWL 50 VICTORY

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

Mr. PERLMUTTER. Mr. Speaker, I rise today to congratulate the Denver Broncos on winning the 50th Super Bowl.

We have proposed House Resolution 614—the Colorado delegation—to congratulate our team. It is their third Super Bowl victory. It is the culmination of a 12 wins and 4 losses season.

The State of Colorado, the city of Denver, and the Rocky Mountain West are extremely proud of the talented players, coaches, and key personnel. I want to thank General Manager John Elway, CEO Joe Ellis, and the entire Broncos' front office, who spent the off season building a Super Bowl winner.

Head Coach Gary Kubiak, Coordinators Wade Phillips and Rick Dennison, and his staff had great game plans.

The Broncos, through their owners, the Bowlen family, have been a key to the success of Denver and that team, and we want to thank them very much.

I know I speak for everybody in the House of Representatives when I say ''Go Broncos!''

MARYLAND SHERIFF DEPUTIES: PATRICK DAILEY AND MARK LOGSDON

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

Mr. POE of Texas. Mr. Speaker, five police officers in the United States this week have been gunned down: one in North Dakota, one in Georgia, one in Colorado, and two in Maryland. I am going to talk about the two in Maryland.

On February 10, on a bitter winter day, two sheriff's deputies were called to a disturbance at a shopping center in Abingdon, Maryland. As the deputies were attempting to speak with a disruptive individual, he held a gun to 52-year-old Deputy Patrick Dailey's head and fired, killing him.

Deputy Mark Logsdon pursued the assassin, but Logsdon was also killed by the criminal's gunfire during this chase. Later, the outlaw was shot and killed.

Dailey was a life member of the Joppa-Magnolia Volunteer Fire Company and spent 30 years defending the public as a sheriff's deputy. He was a hero to his two now fatherless children.

Forty-three-year-old Deputy Mark Logsdon was a 16-year veteran of the force, leaving behind three children and a wife.

Both men had been honored for valor during their careers of protecting and serving the community. Patrick and Mark's lives were coldly and maliciously stolen, ripped away from this world and their families.

These men behind the badge are a special breed, a rare breed. They work selflessly, maintaining and restoring order in our neighborhoods. They are the best of our Nation. They protect us from evil, cold, calculated criminals who wish to do harm to the rest of us.

Mr. Speaker, we mourn the passing of these two lawmen who are cut above the rest of us.

And that is just the way it is.

PRESIDENT'S BUDGET, CANCER MOONSHOT

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

Mrs. CAPPS. Mr. Speaker, I rise in support of the Moonshot to end cancer, a historic investment in research in President Obama's budget proposal.

For years, the burden of cancer has affected everyone in our Nation. Each and every day, in communities, neighborhoods, and families everywhere, including my own, ordinary Americans and their loved ones are affected by cancer.

As co-chair of the House Cancer Caucus, I stand in solidarity with all patients, and with those involved in their care and their support.

The progress made in the last decade in reducing cancer mortality is a testament to the great potential of our scientific community, but far too many have been left behind.

That is why, with great hope, I urge my colleagues to support funding for the Cancer Moonshot. We need to allow our scientific community to build on the strides they have made so far through comprehensive, multifaceted approaches to making real progress.

By funding the National Institutes of Health and the Food and Drug Administration so that they may work in synergy, we will utilize all of the tools

in our arsenal to save lives across America.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 487. An act to allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

HONORING ROGER M. SCHRIMP

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

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a very good and personal friend, Roger Schrimp, who died unexpectedly on Wednesday, February 10, 2016.

Roger and his wife Delsie live in Oakdale, California, in my district. Roger has been a shareholder and a partner in the firm Damrell, Nelson, Schrimp, Pallios, Pacher, & Silva.

Roger is most known for being very passionate, not only about his practice, but in addressing many different areas within our community. Within his practice, he addressed cases before the U.S. Supreme Court, U.S. Court of Appeals for the Ninth Circuit, U.S. District Court, and the U.S. Tax Court of Claims. In addition, he has gone before several State and local agencies.

Roger was also an active leader in many different local, State, and national organizations. Since 1976, he was a member of the elite group out of Santa Barbara, California, the Rancheros Visitadores. He was appointed in 1996 by Governor Wilson. Roger served a 6-year term on the Board of Governors of the California Community Colleges. He also served on the Executive Board of the California State Parks Foundation.

Ever since joining the Boy Scouts of America in 1948, Roger has been dedicated to the organization throughout the years. The Eagle Scout has held a variety of voluntary positions within the group, including serving on the National Executive Board.

From 2007 to 2015, Roger was named one of the top attorneys in Northern California by the Northern California Super Lawyers Magazine.

Mr. Speaker, please join me in honoring and recognizing my good friend, Roger Schrimp, who will be missed by many. God bless him always.

TEXAS SOUTHERN UNIVERSITY

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

Ms. JACKSON LEE. Mr. Speaker, I want to tell the story of Texas Southern University. It started out in Houston, Texas, in the early 1920s to educate then, of course, the colored or Negro population, and they have grown into the 21st century.

In the 1940s, they were expanded because a young man by the name of Heman Sweatt attempted to attend the University of Texas School of Law and he was prohibited, he was prevented. So by a court, the law school was established which is now named Thurgood Marshall.

I really rise to say that this school is a Texas asset, and yet the State of Texas publicly has underfunded this university. In 2000, I helped settle a desegregation lawsuit of which that school had sued because it was discriminated against.

Sadly, I rise today to ask for another investigation by the Department of Education, Civil Rights Division, because the State of Texas is now again discriminating against the students and faculty of Texas Southern University by not funding them equally with other majority-based institutions. It is sad to rise today to say that. But in that school, Barbara Jordan graduated, our colleague; Mickey Leland graduated. Of course, Barbara Jordan was a colleague. Many outstanding scientists and doctors.

Stop discriminating against Texas Southern University. We need to investigate it again to make this school whole.

RECOGNIZING THE BEACON PLACE COMMUNITY CENTER IN WAUKEGAN

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

Mr. DOLD. Mr. Speaker, today, I rise to recognize the Beacon Place Community Center in Waukegan and Executive Director Barb Koracic.

Beacon Place focuses on the power of neighbors helping neighbors by offering a variety of services to the community. They recently received a grant from the Community Purse, which will help them expand neighborhood cooking classes, improve technology for after-school tutoring programs, and obtain fresh produce for children in the summer.

I visited Beacon Place in July and was inspired by the educational activities offered for the children. These programs help children sustain their math and reading skills throughout the summer.

I had a great time participating in the learning by reading and painting with some of these children, and I saw firsthand the benefit that these resources will have in the Waukegan community.

Beacon Place is truly a much-needed and inspiring program, which is why I am honored to be able to recognize them today.

BLACK HISTORY MONTH

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to commemorate Black History Month and the National Association for the Advancement of Colored People, which was founded 107 years ago today.

Black History Month is an opportunity for Americans to reflect on the contributions of the African American community to this country, on the injustices that they have endured through American history, and how far we have gone and still need to go to end discrimination and racism in America.

This past weekend, I attended the Orange County Heritage Council's 36th Annual Orange County Black History Month Parade and Cultural Fair. I was honored to meet a lot of veterans there, including Mr. Warren Bussey, a World War II hero, and, at 103 years old, the oldest African American living in Orange County today.

Mr. Bussey and others like him are a testament to the enduring legacy of African American commitment to the military service. They went, yet they came back, and there were no civil rights for them.

This month we honor their contribution.

ANIMAL SHELTER

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

Mr. FITZPATRICK. Mr. Speaker, I rise today to join the ASPCA in celebration of their event Paws for Love, and bring attention to the importance of animal shelters throughout our country.

Paws for Love is an annual event, hosted by the ASPCA, as well as many local animal shelters here in Washington, D.C., featuring adoptable pets, along with providing information about adoption.

As a proud parent of an adopted pitbull of my own and co-chair of the Congressional Animal Protection Caucus, I know firsthand the value that local animal shelters offer and how they offer a second chance and loving homes to animals in need.

As we have seen through natural recent disasters, animal shelters were placed in difficult situations when families evacuated and were forced to separate from their pets. These shelters need our help.

Ensuring adequate funding for these programs is incredibly important. I am

proud to be an outspoken advocate for animal welfare. I look forward to working with my colleagues on these issues in the future.

□ 1215

AMERICA'S RULE BOOK: THE UNITED STATES CONSTITUTION

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

Mr. WOODALL. Mr. Speaker, we have got our Presidential primary coming up in Georgia in the first week of March, and everybody is talking about what it means to be an American and where it is we want America to go. I love that conversation. I love that it is happening on the Democratic side of the aisle. I love that it is happening on the Republican side of the aisle. I love that it is happening in every household in America.

What I don't hear as much conversation about—and I wish that I did—is about that rule book for how America is supposed to be run, called the United States Constitution. Folks seem to have a firm grasp on it when they want to be the President of the United States. They lose that grasp when they get to be President of the United States, because they want to serve. They so badly want to serve.

What I have here, Mr. Speaker, are a couple of quotes from President Obama.

He says:

> I taught constitutional law for 10 years, and I take the Constitution very seriously. The biggest problems that we are facing right now have to do with George Bush's trying to bring more and more power into the executive branch and not go through Congress at all; and that is what I intend to reverse when I am President of the United States of America.

Now, that was at a Pennsylvania townhall meeting, Mr. Speaker, when the President was running for office.

As a Senator, he could see clearly that, in article I, the House and the Senate were in charge of passing the laws, and that, in article II, the White House was in charge of enforcing the laws. During the 8 years that George Bush was President, time and time again, charges were made that the White House was taking the people's power from article I and carrying it down Pennsylvania Avenue to the White House.

Again, I quote from President Obama:

> I taught the Constitution for 10 years. I believe in the Constitution, and I will obey the Constitution of the United States. We are not going to use signing statements as a way of doing an end run around Congress.

That was at a Montana campaign event back in 2008.

The President was absolutely right, and Republicans in this institution were absolutely wrong, during his 8 years in the White House, for not holding George Bush more accountable to his article II responsibilities and staying out of Congress' article I responsibilities; but it was hard, Mr. Speaker. It was after 9/11.

I will forever wonder what America would have looked like but for that fateful day. The President was off, focusing on his agenda. We were not campaigning on 9/11 issues in that election. We were campaigning on domestic issues, on economic issues. The economy was on fire, and then everything changed.

I would argue that many of my Republican colleagues—you and I were not here at that time, Mr. Speaker—cut President Bush a lot of slack. America was in crisis, and the Nation was under attack; and we said: Do you know what? The Constitution does give the President special responsibilities during these times of national crisis, and I am willing to allow him to adopt a little more authority—I am willing to be a little more deferential—to the President during these difficult times.

President Obama saw that as then-Senator Obama, and he said: That is wrong. Republicans are not supposed to be Republicans first. Republicans in Congress are supposed to be Congressmen first. Republicans in the Senate are supposed to be Senators first. Our obligation first is to our constituents back home, to the United States Constitution, not to someone who may or may not hold the same party title at the White House.

As a candidate, the President saw that clearly, but we all know how that transpired, Mr. Speaker.

As President, the President has said this:

> We can't wait for an increasingly dysfunctional Congress to do its job. Where they won't act, I will.

We can't wait for that Constitution, which was specifically designed to be slow and painful, because every act that we pass here, Mr. Speaker, takes freedom or power or money from someone in America and gives it to someone else. It was designed to be hard; but as President Obama says: I can't wait. Where Congress won't act, I will.

I continue to quote, Mr. Speaker, from a different speech during a Cabinet meeting in 2014:

> But one of the things that I will be emphasizing in this meeting is the fact that we are not just going to be sitting, waiting for legislation, in order to make sure that we are providing Americans with the kind of help that they need. I have got a pen and I have got a phone. I can use that pen to sign executive orders and take executive actions and administrative actions that move the ball forward.

Mr. Speaker, one of my great disappointments in this administration is that President Obama had an opportunity to lead America in ways that no other President could have led. He had an opportunity when he was elected, with all of his personal charisma and popularity, to lead public opinion in ways that no other President could. He was not my choice for President, but when America chose him, America chose opportunity to do things that we could not have done otherwise.

All we are in this Chamber is a reflection of that public opinion back home. All we are the voices of our individual districts back home—435 voices representing millions of constituents back home. The President could have come and changed the minds of those in this Congress. He could have come and changed the minds of the people. Instead—do you know what?—he said: I have studied the Constitution for 10 years. It is really hard to move Congress. It is really hard to move public opinion. So I am going to use my phone and my pen, and I am going to do it alone.

This isn't just in the White House, Mr. Speaker. This idea that the people's voice in Congress is a nuisance and gets in the way of getting the real business done permeates the entire administration.

I quote from EPA Administrator Gina McCarthy:

> But I will tell you that I didn't go to Washington to sit around and wait for congressional action. I have never done that before, and I don't plan to do it in the future.

Forbid the thought. Forbid the thought you would be on the Federal Government's payroll, charged with enforcing the laws of the land, and you might sit around and wait for Congress to pass the laws of the land. Forbid the thought. If you have got a phone and if you have got a pen, just go ahead and rewrite those laws of the land, Mr. Speaker. It is dangerous when Republicans do that. It is dangerous when Democrats do that. It is dangerous when Independents do that.

We have a Constitution as our rule book for a reason, and that is that changing the law should be hard. Taking power from one group and giving it to another should be hard. Taking money from one group and giving it to another should be hard. The power is not ours, Mr. Speaker. The power is the people's. They allow us to administer it for a short period of time, and there is a long and difficult process to do that.

Mr. Speaker, I am going to focus on some EPA regulations today. In the past, Presidents have acknowledged how hard it is to get it done, but they have committed to going out there and getting it done. I will remind you, Mr. Speaker, that the EPA was created by a Republican President. There is no one who cares more about clean water and clean air in the great State of Georgia than I do. I am a hardcore, Deep South Republican, Mr. Speaker, and we play outside a lot. Our kids are outside a lot. We are drinking a lot of water, and we are playing in a lot of grass. We care about a clean environment. So did President Richard Nixon when he created the EPA.

He said this:

> The reorganizations which I am proposing afford both the Congress and the executive branch an opportunity to reevaluate the adequacy of existing programs involved in these consolidations.

I look forward to working with the Congress in this task. Congress, the administration, and the public all share a profound commitment to the rescue of our natural environment and in the preservation of the Earth as a place both habitable by and hospitable to man. With its acceptance of these reorganization plans, the Congress will help us fulfill that commitment.

Mr. Speaker, President Nixon had a vision of what he wanted to do for environmental protection in America.

He said this is a three-part vision: it is going to involve the executive branch; it is going to involve the legislative branch; it is going to involve the American people. I am going to take this idea out, and I am going to sell it. We are going to get it passed into law because I am going to make the American people believe it. We all want the same things: we want an environment that is hospitable to and habitable by man; we want an environment that serves us today and our kids and grandkids tomorrow. He went out there, and he sold America on this, and we did it together. By article I, Congress passed it, and the President signed it into law.

With the Clean Air Act Amendments of 1990, Mr. Speaker, you will remember it was a Democrat-controlled Congress and Republican George H. W. Bush in the White House.

George H.W. Bush said this:

Upon signing the Clean Air Act Amendments of 1990, today, I am signing S. 1630, a bill to amend the Clean Air Act, and I take great pleasure in signing S. 1630 as a demonstration to the American people of my determination that each and every American shall breathe clean air. The passage of this bill is an indication that the Congress shares my commitment to a strong Clean Air Act, to a clean environment, and to the achievement of the goals I originally set forth.

Mr. Speaker, if you will recall, at the time of the Clean Air Act of 1990, I was in college. It was a battle in Washington, D.C. It was a battle. Again, the Democrats were controlling all of Congress, and the Republicans were in the White House, trying to decide what our obligations were as individuals, what businesses' obligations were, and what government's obligations would be. It was hard and it was important.

Mr. Speaker, you will remember that was acid rain. That was when they panned the camera around to the monuments throughout the city and showed where the facial features were being eroded by acid rain.

We said what can we do together to make a difference? It was not someone with a phone and a pen. It became a national movement. It was what all laws are supposed to be, Mr. Speaker, which is where we come together and we talk about our differences; we take steps forward where we can; we take time to sort out the steps we can't take today but hope to take tomorrow.

In signing that legislation, the President said: This represents my vision. This represents my goals. This represents my commitment to clean air. Because the people's Representatives in Congress passed it, it represents all of the American people as well.

Mr. Speaker, that is the way it is supposed to be. It is hard and it is slow, and it has been a long time since we have seen that function effectively; but let me tell you what the impact of that is.

The Founding Fathers were really smart folks, and I am never willing to underestimate the wisdom that is in those few founding pages. We have article I in the legislative branch. We have article II in the executive branch. We have article III in the judicial branch. In these days, where article I and article II are not functioning as they should, article III is wielding more than its fair share of the power, and I will tell you that is wrong. I will tell you that is wrong.

Decisions about what is the right law of the land are made one of three ways, Mr. Speaker. They get made because the President of the United States, who was popularly elected, signs a bill into law. They get made because the United States Congress, which was popularly elected, overrides a veto and implements a new law; or they get made because nine men and women who are in black robes and are across the street at the Supreme Court, who have never been elected, sit around and think deeply about it and pronounce what the law of the land will be.

Now, Mr. Speaker, I have great respect for the Supreme Court, and I believe it is critical—again, in the wisdom of our Founding Fathers—to have balanced power in that way; but as a citizen, as just a guy from the great State of Georgia—just one of 300 million—when I have to choose who writes the law—the President I have a chance to vote for, the Congress I have a chance to vote for, or the Supreme Court, which is appointed for life and is never accountable to anyone—I feel a little bit safer when it is one of the folks who has to be up for reelection every once in a while.

It is bad for America when the President—with a pen and a phone—goes and implements those things, when we as the legislative branch don't identify ourselves as article I but identify ourselves as Republicans and Democrats—who are divided along those lines—and allow the courts to sort it out.

Let me just give you an example, Mr. Speaker: WOTUS, waters of the U.S. I had never heard the term ''WOTUS'' until I showed up in this Chamber, Mr. Speaker. Waters of the United States is an initiative from the President that is going to reregulate who controls and keeps tabs on clean water in America.

□ 1230

Currently, if it is navigable water, water that you can sail your boat on, then it is governed by the Federal Government. If it is any other water, it is governed by State government.

The little creek in the backyard at the park down the road from my house, that is governed by the great State of Georgia, and they do a great job with it. It empties out into the Chatahoochee River, which is navigable, which is regulated by the Federal Government. It goes through some National Park land, national recreation area, but it begins—where so much of an opportunity to impact pollution and make a difference in water quality—at the headwaters, which is regulated by State governments.

Well, Jim Oberstar, a Representative in this Chamber back in 2010, introduced a bill that said, since the Federal Government is so effective at everything that they do, let's entrust all clean water decisions to the Federal Government instead of to the localities that have been doing it so well for so long.

Well, he introduced a bill in Congress, Mr. Speaker, and that is the way it is supposed to start. This was H.R. 5088. He introduced a bill to expand the definition of water so that the Federal Government could regulate everything.

Second step, Mr. Speaker, is to have that bill considered. Well, the bill never was considered in this Chamber. It could not gather enough support in this Chamber to even be considered in the committee, much less the floor of this House.

Well, you have seen it, Mr. Speaker: ''Yes, I'm only a bill, And I'm sitting here on Capitol Hill. Well, it's a long, long journey to the Capital City. It's a long, long wait while I'm sitting in committee . . .''

That is ''Schoolhouse Rock,'' a tale of how a bill becomes a law. If you can't get consideration, it expires.

Well, the President wanted this regulation, and he couldn't get the support in Congress to pass it. He didn't want to go out and sell it to the American people, so he went to the Federal Register, Mr. Speaker. Most folks don't even know the Federal Register exists. It comes out every day. It is a list of all the regulations that the administration is proposing, and it is thick. Every day, it is thick. It is new restrictions on private life in America.

In April 2014, the President went out and published this rule and said: This is what I am going to do. Congress hasn't authorized it. It is a dramatic departure from the way America has been governed for the last 200 years, but I have a pen and phone, and I am just going to do it.

Mr. Speaker, if he wanted to do it, he should have come and sold Congress. If he wanted to do it, he should have gone and sold the American people, but he didn't. He published it in an obscure publication, and, a year later, he announced new rules that would govern all activity affecting water in the United States of America. Not one congressional bill had passed authorizing such an action.

In fact, Mr. Speaker, the opposite had happened. Congress saw what was going on. Congress saw that the President was way outside of his authority. Congress saw that he was way outside of the mandate given to him by the people, and Congress passed legislation to block those rules.

Now, hear that, Mr. Speaker. The President had legislation introduced to implement the rules. It never even got out of committee because folks opposed it. Then he went around Congress, tried to do it on his own. Congress passed a new measure that said: Mr. President, that is wrong. Don't do it.

So Congress—it is not that we failed to act—we acted affirmatively and said: Mr. President, that is not okay.

It passed the House, Mr. Speaker. It passed the Senate. It went to the President's desk, where he vetoed it. Understand that.

The President is outside of his constitutional role. Congress calls him on it, passes it by both Houses—which is rare, these days, as you know. The President, armed with the knowledge that the American people are against him on this issue, vetoes that measure. It took him exactly 24 hours to think through that, Mr. Speaker. Hear that.

He knew Congress rejected the measure because he couldn't get it out of committee. He implemented it by going around Congress, doing it entirely through the administrative branch, which we all know from Constitution 101 is not the way laws get made.

Congress affirmatively passes a law that says: You cannot do that, Mr. President; that is outside of your bounds. It takes him 24 hours to think about that before he stamps it with a veto stamp and sends it away.

So what do you do, Mr. Speaker? What do you do? What do you do when you represent 300 million Americans, you have a democratic process here on the floor of the House, everybody's voice is heard, you duly pass measures, and the President says: No, I am not concerned about that?

You go to court. You go to court. Mr. Speaker, I hate going to court. I hate it.

We are the Congress of the United States. We are article I for a reason. This is where the power was supposed to reside, distributed among all of us across this country.

I hate going to the court to solve problems between the White House and the President. We ought to be able to solve those on our own, but we haven't been able to. We haven't been able to start that dialogue. So what do we do? We go to the court.

Here is what the court says about this waters of the U.S. rule. I am quoting from their opinion:

''Even so, a review of what has been made available reveals a process that is inexplicable, arbitrary, and devoid of a reasoned process.''

They are not talking about what happened in Congress, Mr. Speaker. We did everything by the book. The court is talking about what happened at the White House and at the EPA, this administrative process that tried to craft a brand-new regulatory regime to reregulate all water in the United States of America: our review ''reveals a process that is inexplicable, arbitrary, and devoid of a reasoned process.''

Quoting from another section of the decision, Mr. Speaker:

> It appears likely that the EPA has violated its congressional grant of authority in its promulgation of the rule at issue, and it appears likely the EPA failed to comply with the EPA requirements when promulgating the rule.

That is the requirement that we have some public input on the rule. So not only did we violate our authority to begin with, but even if the EPA had had authority, the court says it should have invited more public input, which it did not.

Reading, finally, from that decision, Mr. Speaker:

> A far broader segment of the public would benefit from the preliminary injunction because it would ensure that Federal agencies do not extend their power beyond the express delegation from Congress.

The court said: No, Mr. President, no. You do not have this authority. Congress makes the law. The answer is ''no.''

So just a recap, Mr. Speaker: a bill was brought in this Congress to implement these rules. It never made it out of committee because folks didn't like it. The President did it unilaterally, and Congress responded by passing a bill out of both Chambers and sending it to the President's desk, saying: Don't do that; that is wrong.

The President vetoes it.

America sues, and the court says: You can't do that; that is wrong. You are exceeding your grant of authority under the law.

You would think that after all of that, Mr. Speaker, the White House might say: Well, I don't know how we got it wrong, but we got it wrong. Let's go back to the drawing board.

Not so. The White House continues to march on in this direction.

Mr. Speaker, it sounds like inside baseball. It sounds like this is just that standard quibbling—Republicans-Democrats-Washington, D.C., dysfunction. That is not so. We are talking about water. We are talking about every spigot in America, Mr. Speaker.

Let me tell you what folks have said in Georgia. This is our attorney general, Sam Olens. He is commenting after the court has prevented the implementation of these waters of the U.S. rules. He says:

> I am pleased the Sixth Circuit has granted a nationwide stay on the burdensome waters of the United States rule. Under this illegal rule, Georgia families, farmers, and businesses would be subject to excessive and intrusive Federal regulation. As the Federal Government continues to issue massive and unconstitutional executive directives at an alarming rate, I remain steadfast in my commitment to protect and defend the interest of Georgians.

Mr. Speaker, I don't know how it is in your home State. In my home State, the attorney general is elected by the people. He is not named by the Governor. This is the popularly elected representative for constitutional issues in the State of Georgia talking about Washington, D.C., and the White House, talking about illegal rules, unconstitutional executive directions coming out at an alarming rate.

Again, these are regulations that have traditionally been controlled at the local level. I promise you—I promise you, Mr. Speaker—there is not a man or woman in this city who cares more about the streams outside of my home than I do; there is not a man or woman in this city who cares more about the water in my district than I do; and there is not a man or woman in this city that knows better about how to protect that order than the men and women in local government back home.

This is from the Association County Commissioners in Georgia, Mr. Speaker:

> We feel that this rule has great potential to increase counties' risk of litigation and unnecessary delays and confusion and cause disincentive for adequately constructed and maintained drainage ditches.

This is where it has come, Mr. Speaker. In the massive power grab that is the waters of the U.S. rule, trying to grab everything and carry it to Washington, D.C., I have county commissioners writing to say this goes even to the drainage ditches in our area, which we are in charge of keeping clean, which we are in charge of water quality. We are involved in sediment control.

It will also divert critical county resources—those being taxpayer resources—from other critical local government services and federally mandated Clean Water Act responsibilities at a time when our budgets are already under great duress. Hear that. There are already Federal mandates on counties for a variety of other issues. They are handling it all, even in these tough budget times, and they are saying not only are these new regulations going to drain taxpayer resources that would have been going to clean water, but the litigation is going to drain them because we are going to sue and we are not going to allow you to do these unconstitutional things.

This is the Georgia Chamber of Commerce, Mr. Speaker:

> As such, the chamber opposes recent attempts by the Obama administration to circumvent the role of Congress in the regulation and management of the Nation's water resources, as well as that of the States. In addition, the chamber believes the proposed rules would violate private property rights and subject business to yet another layer of uncertainty.

More lawsuits, Mr. Speaker. This is not an issue for courts to solve.

The President proposed it. Congress rejected it. Then the President tried to implement it, and Congress rejected that, too. Then the President vetoed that. Now the courts have rejected it, too.

Mr. Speaker, if you have got a good idea, get out there and sell it. If you want to change the law of the land, get out there and persuade folks it is a good idea.

Look at what the President did on the Affordable Care Act, Mr. Speaker. There is not a man or a woman in America today who believes there should be lifetime caps on insurance policies. They believe, if you are facing the greatest crisis in your life, your insurance company ought to be there for you. President Obama won on that issue. I agree with him on that issue. That law is never going to change, that segment of it.

President Obama said, you know, just because you have had cancer doesn't mean you shouldn't ever be able to buy an insurance policy again; just because you were born with a preexisting condition doesn't mean you should never be able to buy an insurance policy again.

The President was right. Republicans in Congress passed that for federally regulated plans back in 1996. Some States didn't follow suit. That is now the law of the land. The President went out and led on some issues and changed America's minds on some issues.

He did not do that here. He did it with his pen and his phone. It is unconstitutional, and the courts are telling him as much.

This is right from my home district, Mr. Speaker. Gwinnett County is the biggest county in the district. I only represent two counties. So many folks live in these two counties, Mr. Speaker.

On behalf of the Gwinnett County Board of Commissioners and the residents of Gwinnett County, I am writing to encourage continued action by the United States Congress to delay and defeat the proposed EPA rule regarding the definition of waters of the United States.

The county commissioners, who have enough work to do, Mr. Speaker, are taking up for Congress, saying this is way outside of the bounds of what lawmakers ought to be doing from the White House. It ought to be happening in article I. Do what you can.

Quoting from that same county commissioner, Mr. Speaker, the chairwoman of our county in Gwinnett:

This would have the potential to increase costs and cause delays in permitting an operation of needed public works projects. In Gwinnett County, 2,700 miles of roads and 684 miles of ditches within the highway right-of-way would be impacted by this proposed definition if it is adopted, as would 1,400 miles of streams and 1,400 miles of drainage ditches.

Now hear that, Mr. Speaker. I guess I kind of glossed over that. I called this the largest power grab that we have seen in water rights in American history, but I haven't really tried to enumerate it.

One county in the State of Georgia—we have got a lot of counties, Mr. Speaker. I believe we have the second most counties in the United States of America. So our counties are not that big.

In one county, there are 2,700 miles of roads going under Federal regulation, 684 miles of ditches in those right-of-ways going under Federal regulation, 1,400 miles of streams going under new Federal regulation, and 1,400 miles of additional drainage ditches going under Federal regulation in one county—one county.

To add insult to injury, Mr. Speaker, the Government Accountability Office, the auditor of the United States Government, had this to say in December of last year:

''The Environmental Protection Agency, EPA, violated publicity or propaganda and anti-lobbying provisions contained in appropriations acts with its use of certain social media platforms in association with its 'Waters of the United States,' WOTUS, rulemaking . . .''

□ 1245

Mr. Speaker, the EPA violated propaganda and antilobbying provisions. Hear that. I am begging the administration to go out there and sell the American people before they act, as is supposed to be done.

The General Accountability Office is chastising the administration because, instead of going out and selling it, they are illegally lobbying for it after the fact. We couldn't persuade anybody about it ahead of time. We didn't bother to involve folks ahead of time. We are going to go out after the fact illegally and try to change everybody's mind.

Quoting again from that same report:

''The EPA engaged in covert propaganda when the agency did not identify EPA's role as the creator of the Thunderclap message to the target audience.''

This is one particular campaign that the General Accountability Office is looking at.

Mr. Speaker, we have got to demand better. President Obama, when he was Senator Obama, was demanding better of the Bush administration. He was right to do so.

I am demanding better of the Obama administration. This Congress is demanding better. We are right to do so. Whoever the next President is, him or her, we have to ask more of them.

The Constitution was crafted with three branches of government for a reason, one branch to create the laws—that is us—one branch to enforce the laws—that is the President—and one branch to adjudicate the differences.

I will come back to the courts, Mr. Speaker. I have been talking about waters of the U.S. That is just one of dozens of examples of administration overreach.

This headline, Mr. Speaker: Supreme Court Deals Blow to Obama's Effort to Regulate Coal Emissions. Coal emissions. This is the war on coal that you hear so much about.

Mr. Speaker, the President has not come to Congress to sell Congress on doing away with our number one natural energy resource. The President has not gone to the American people to sell the American people on doing away with the number one energy resource in America.

In fact, if you go into coal country, Mr. Speaker, every single Democrat at the Federal level has been defeated not because they weren't doing a good job—they may well have been—but because the President was declaring a war on coal.

Hardworking Americans who work in the coal industry said: Why are you picking on me? If you want clean air, let's pass clean air regulations. Why are you declaring war on coal? This ends up in the Supreme Court.

Former EPA Assistant Administrator Jeff Holmstead says this: It is the first time the Supreme Court has actually stayed a regulation.

This is happening right now. It is happening right now. Mr. Speaker, I have got it on the front page of yesterday's National Journal, one of those Washington, D.C., dailies that tracks Federal opportunities and regulations. The headline reads: ''Obama's Second-Term Agenda Hits a Roadblock: the Supreme Court.''

Think about that, Mr. Speaker. The headline, the generally accepted conventional wisdom, is the President's agenda hits a roadblock because the Supreme Court says no.

Mr. Speaker, the President's agenda hit a roadblock when he decided not to sell it to Congress, not to sell it to his constituents, but to go around us both and do it through administrative action. It is the first time in American history that the Supreme Court has stayed a regulation, so egregious is this action.

I go on from The New York Times, Mr. Speaker, just this week: ''But the Supreme Court's willingness to issue a stay while the case proceeds was an early hint that the program could face a skeptical reception from the justices.''

With the Court's four liberal members dissenting, a 5–4 decision was unprecedented. ''The Supreme Court had never before granted a request to halt a regulation before review by a federal appeals court.''

'' 'It's a stunning development,' Jody Freeman, a Harvard law professor and former environmental legal counsel to the Obama administration, said in an email.''

A stunning development. What is stunning, Mr. Speaker, is around and around and around the President goes, around this body, Republicans and Democrats.

It is not a partisan issue. This is a constitutional issue of whether or not we should be concerned why it is that the courts are solving the issues.

Here is a quote from Laurence Tribe, Harvard law professor. In fact, he was President Obama's constitutional law professor when the President was in law school.

Professor Tribe says this: ''To justify the Clean Power Plan''—that is this power plan that is implementing the coal regulations that the Supreme Court just put a stay on this week—''the EPA has brazenly rewritten the

history of an obscure section of the 1970 Clean Air Act . . . Frustration with congressional inaction cannot justify throwing the Constitution overboard to rescue this lawless EPA proposal. . . .''

Mr. Speaker, we are supposed to disagree on things. You don't have to go far outside of my congressional district. HANK JOHNSON represents the south side of the county just beyond me, JOHN LEWIS just beyond that.

We disagree on all sorts of things. I admire them. I respect them. We work together on issues. It is not surprising that we disagree.

What is surprising and, in fact, alarming is that the American people's thirst for results has become such that Presidents think they can just skip the process, that the ends are going to justify the means.

President Obama's law school professor, an undisputed congressional scholar, not a conservative by any stretch of the imagination: ''Frustration with congressional inaction cannot justify throwing the Constitution overboard to rescue this lawless EPA proposal. . . .''

I need folks to understand, Mr. Speaker, that this is not Republican-Democrat. This is article I, article II. We talked about waters of the U.S. We talked about the war on coal. What about Guantanamo Bay, Mr. Speaker? What about the detention facility in Guantanamo Bay?

U.S. Attorney General Loretta Lynch in November of last year—this is not old news; this is right now—said: ''With respect to individuals being transferred to the United States, the law currently does not allow for that. . . . ''

The Attorney General of the United States, President Obama's Attorney General, the chief law enforcement officer of the land second only to the President, says the law will not allow you to transfer these individuals to the United States.

The Secretary of Defense, Ash Carter, just last month: ''There are people in Gitmo who are so dangerous we cannot transfer them to the custody of another government no matter how much we trust that government. . . . We need to find another place [and] it would have to be in the United States. So I've made a proposal for the president, and he has indicated that he's going to submit that to Congress.''

Hear that. The Secretary of Defense, Mr. Speaker, says the guys in Guantanamo are so dangerous, we cannot trust any other government on the planet with them. And so, if we are to close Guantanamo, as the President has desired for 8 years, we must bring those folks back to the U.S. It is the only way.

He's going to have to submit that proposal to Congress, the Secretary of Defense says. Why is that? Because it's against the law to establish another detention facility, so, therefore, to get the support of Congress.

It is against the law. So we have got the Secretary of Defense saying these guys are really dangerous, which would question why we want to bring them to the United States to begin with.

But you can't transfer them here because it is against the law. We have Loretta Lynch, Attorney General, saying you can't bring them here because it is against the law.

But I challenge anyone in this Chamber to do a news search, a Yahoo! search, Google search, however it is you get your news, and look in the last 14 days and see if you have seen another statement from the President saying he is going to bring those folks here.

There is no proposal on Capitol Hill to do that. There is no effort from the White House on Capitol Hill to get that done. In fact, the opposite is true. Time after time after time this body, the Senate—the President has signed it into law—says that you cannot bring these folks back to America, that they are too dangerous. The Secretary of Defense agrees. U.S. Attorney General Loretta Lynch agrees. Yet, we go down this road again.

Visa waiver reform, Mr. Speaker, I was about to dismiss. Yet another issue. We passed a bill that said: Listen, if you have been traveling to some of these countries in the Middle East where terrorism is running rampant today, you are not going to get a free pass into America. We are going to want to look at your background before we tell you to come on in.

Now, that seems fair, Mr. Speaker, if you are from one of these countries and you have been traveling through these countries where terrorism is running rampant, where there is case after case after case of terrorists leaving those countries and performing deadly acts around the globe, before we just let you in, which is what the Visa Waiver Program is.

It says: Come on in. We are not going to do a background check on you. If you are from England, you are from France, you are from Germany, we trust you. Come right on in.

We say: If you have been traveling to sites where the terrorist training camps are, we are going to want to give you a little further scrutiny.

Congress passed this. The House passed it. The Senate passed it. The President signed it into law. And then he turned around the very next day and said: Well, but I am not going to enforce that because I promised the Iranians in my nuclear deal that I wouldn't enforce those kinds of rules against Iranians.

Well, you can't pick and choose. Veto the bill if you don't like the bill. Sign the bill if you do like the bill. You can't pick and choose.

I quote from Senator RON JOHNSON. He is the chairman of the Homeland Security and Governmental Affairs Committee on the Senate side.

He says: ''Congress has every right to expect full compliance with the new provisions.''

As the lead sponsor of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, I can attest that Congress considered and rejected expanding the waiver authority in the way the President proposes because these groups of travelers would be hard to verify and any waivers granted would be easy to exploit.

This isn't 8 years ago. This isn't 5 years ago. This isn't 3 years ago. This is happening right now. The President signed language into law in December, signed language into law in November, in October, in September, signed language into law last year and said that this is the way it is going to be and has shown up this year and said: Oh, well, I didn't mean it. I am going to do it differently.

You have the lead Senate sponsor, the chairman of the Homeland Security and Governmental Affairs Committee, saying: No. We considered that. We specifically didn't give you that waiver authority. Don't go down that road.

Mr. Speaker, I have a chart up here. You can't see it. It says 9–0. It is another Supreme Court decision against the administration, saying: You have gone outside of your congressionally delegated authority. You can't do that.

You see a lot of 5–4 decisions out of the Supreme Court, Mr. Speaker. You rarely see a 9–0 decision. These are Justices appointed by Presidents of all political stripes, including Justices appointed by President Obama.

They looked at what the President did in the Noel Canning case where he declared that Congress was in recess so that he could put people in executive positions without having to have Congress' approval.

And they said: Nonsense. Nonsense. You can't do that. It is outrageous. The Supreme Court rejected that 9–0.

Mr. Speaker, I don't pick on this issue because it is an example of good news. I pick on it because it is an example of bad news. The courts said the President is overreaching and seizing congressional power illegitimately, unconstitutional actions.

But when I go to Democrats in the Senate during the time period this was going on, Mr. Speaker, I get this.

Senator Tom Harkin from Iowa: ''By appointing these nominees, President Obama has acted responsibly in order to ensure that workers and businesses across this country who rely on the stable functioning of this important agency would not be caught in the crossfire of the Republicans' misguided ideological battle.''

He has a good reason. He has a good reason for defending the President. Partisan politics have created gridlock on Capitol Hill, Mr. Speaker.

So I support the President ignoring the Constitution, seizing authority that is granted only to the Senate, and doing what he wants to do with it.

This is a United States Senator choosing to be a Democrat first and defending article I second.

I am not picking on Senator Harkin. That happens all the time in this place, Mr. Speaker.

When did that happen? When did it become more important to defend your President than to defend the Constitution? When did it become more important to be a good Republican than to be a good Congressman? I argue we can still turn the tide on that, Mr. Speaker.

Representative George Miller from California, ranking member of the Education and the Workforce Committee, which had jurisdiction over these issues in the House, said this: ''President Obama's recess appointments will guarantee both employers and employees will have a place to go to have their rights under the law protected and enforced.''

Well, that would be true except that they were unconstitutionally appointed, and, thus, all of the decisions they rendered are now moot. No one is defending article I. Folks are defending their President instead.

Senator HARRY REID: ''Since President Obama took office, Senate Republicans have done everything possible to deny qualified nominees from receiving a fair up-or-down vote. President Obama did the right thing when he made these appointments on behalf of American workers.''

Mr. Speaker, at 9–0, the Supreme Court said: No. You did not do the right thing, Mr. President. In fact, you did exactly the wrong thing. In fact, it is unconstitutional what you did. You do not have the power to act in this way. And Democrat after Democrat after Democrat is defending him.

□ 1300

Now, Mr. Speaker, if I put up these same charts from the Bush administration, I would have Democrats saying the Bush administration overstepped its bounds, and Republican after Republican after Republican would be defending them.

It has got to stop. It may be too late for this administration, Mr. Speaker. The lines in the sand may have already been dug so deep that we won't be able to cross them, but here in this Presidential primary season we have got to ask of our Presidential candidates: What are you first? Are you your own leader first? Are you a Republican or Democrat first? Or, are you the leader of the free world under the restrictions of article II first?

Are you going to use your pen and your phone? Are you just going to go out there and get it done by yourself? Or, are you going to go sell your boss on the idea—your boss, being 300 million Americans—and then are we going to bring ourselves together as a Nation to do these things one by one?

Mr. Speaker, we have got to stop defending or criticizing actions based on which party is involved in it. There is one rule book for this country. It is not the policy position of the Republican National Committee. It is not the policy position of the Democratic National Committee. The one rule book in this country is the United States Constitution, which says Congress writes the law and the President enforces it.

We have got to expect more of our Presidents—not about the results that they get, but about the leadership they provide. Not the leadership to go around the law, but the leadership to change people's minds and then change the law.

We have got so much opportunity, Mr. Speaker. We have so much opportunity. The men and women that I have gotten to know in this Chamber would rather lose their seat tomorrow—who cares about the election—and they want to make a difference for the country. Don't tell me partisan gridlock has rendered self-governance impossible.

Gridlock is the natural state of the constitutional government that our Founding Fathers created. We have to work with it, not around it, and we have to work with the American people, changing hearts and minds, not going around the American people and having to rely on the Supreme Court to fix those mistakes.

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

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution (S. Con. Res. 31) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The Clerk read the concurrent resolution, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, February 11, 2016, through Saturday, February 20, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, February 22, 2016, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, February 12, 2016, through Tuesday, February 16, 2016, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, February 23, 2016, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after concurrence with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. (a) The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify the Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the House adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The SPEAKER pro tempore (Mr. RATCLIFFE). Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

PRESIDENT'S BUDGET PROPOSAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Louisiana (Mr. GRAVES) for 30 minutes.

Mr. GRAVES of Louisiana. Mr. Speaker, earlier this week, the President submitted a budget request to the Congress. That budget request increases spending by approximately $2.5 trillion over the next 10 years. It raises taxes by $3.4 trillion over the next 10 years. And I will say that again. It increases spending by $2.5 trillion and raises taxes by $3.4 trillion over the next 10 years.

This budget, like every other budget that has been submitted by this White House, does not ever come into balance. It never comes into balance. It stays in the red. In fact, under this budget, we will see a 13 percent structural shortfall in funding. The deficit would increase this fiscal year to $616 billion. That is up from approximately $438 billion last year. Either number is unacceptable.

Mr. Speaker, with the trajectory that we are on, by 2022, just the interest on the debt—let me be clear: just the interest, not the principal—is going to result in us spending more money on paying that interest payment than we will spend on all of our defense spending in a year.

I will say that again. We will spend more money just paying the interest payment on the debt—not dropping the principal—than we will spend on our entire defense budget in the year by 2022, with the trajectory that we are on, increasing this Nation's debt.

The debt is going to be more than double what it was at the time this President took office. It is going to more than double by the time he leaves office. It currently exceeds $18 trillion. Yes, $18 trillion is our debt today. To break that down, that is approximately $155,000 per taxpayer. This isn't Monopoly money. These are real repercussions.

Earlier this week, in this Chamber, I was able to host a seventh-grade class

from LSU University Lab School. These are the folks that are going to pay for it. It is that generation of these seventh-graders and their children and grandchildren and great children.

Mr. Speaker, at some point, this debt is going to be due. The bill is going to have to be paid. You can see that we are going off this cliff of spending to where our interest payments in a short 6 years are projected to exceed all that we are spending in our defense budget in a single year. This budget adds $6 trillion in debt over the next 10 years.

I would like to break it down a little bit in terms of what some of these tax increases are and what the implications are.

The President has taken a lot of credit over the past few years over job growth. He has talked a lot about these increases in jobs that have occurred under his administration.

When you actually look at the numbers, where we have actually had job growth is in the energy sector. It is the one place where we have seen this extraordinary job growth over the last several years.

However, just over the last year, we have lost approximately 10,000 jobs in the energy industry in Louisiana. By some estimates, that is 20 percent of our oil and gas workforce. That is 10,000 jobs in the last year tied back to our energy sector.

There was a study that just came out that said, at current prices, oil and gas producers in the United States and Canada are losing approximately $350 million every single day.

So, I am going to put this in perspective. We have lost 10,000 jobs in Louisiana alone. We are seeing a bleeding of energy jobs across this Nation. You have energy producers that are losing, according to one study, $350 million every single day.

The White House's solution in their budget is to impose more taxes. It makes zero sense. For those of you that are listening, it is not going to make sense. People are bleeding jobs, they are losing money, and let's go ahead and put that last nail in the coffin and increase taxes.

We just don't subtly increase taxes. This budget proposes to increase taxes by $10 a barrel. At the barrel prices that ended yesterday, that is in excess of 30 percent; in fact, it is approaching a 40 percent tax in an industry that is bleeding jobs. It is completely nonsensical. Obviously, it is not well thought out.

The study I referenced earlier projects that, by 2017, approximately one-third of the companies involved in oil and gas exploration and production activities will go bankrupt. It is killing American jobs.

I want to be clear that it is not going to decrease our demand for oil and gas, as we have seen prices as low as they are. You are seeing more people buying oil and gas because of the low prices. But what it means is that we are going to kill our domestic industry and become more reliant on foreign sources. I will say it again: It is nonsensical.

Further, adding insult to injury is the fact that this administration is continuing to move forward on this well control rule, which they have hidden from industry, hidden from Congress, and refused to meet with committees and delegations about what they are trying to do. Yet, they thought it was appropriate to leak it to The Wall Street Journal this week.

So, they can't talk to the people that exercise oversight, but they can talk to the newspapers. Even their comments to the newspapers continue to demonstrate a fundamental misunderstanding of how our offshore industry works.

A study that was just released indicates that we can see a 35 percent reduction in domestic energy production in the offshore as a result of this well control rule.

Mr. Speaker, I want to be clear: Like everyone, I support safe energy production in the United States. What happened in 2010, with the Macondo disaster and the loss of those lives was an absolute travesty—and it was avoidable—but, as the judge said in that case, it was gross negligence and willful misconduct.

The judge didn't say that the Department of Interior was at fault from flawed rules. He said that the operators were at fault and that it was the result of multiple, multiple mistakes that, in aggregate, was grossly negligent and showed willful misconduct.

Since the Macondo spill, industry has taken their own steps to ensure safety. The Department of Interior has taken steps to ensure safety. Yet, this well control rule is going to result in a 35 percent reduction, and I believe it will actually result in decreased safety because of the fundamental misunderstanding of these regulators of the industry they are attempting to regulate. They are in an ivory tower—and it is inappropriate—further attempting to kill the oil and gas industry.

Now, here is where the irony comes in even further.

Mr. Speaker, the President indicated that the effort to assign this $10 a barrel tax is tied back to his environmental agenda, tied back to his efforts to ensure that we are good environmental stewards, which, to be clear, Mr. Speaker, I am a strong advocate of the environment and ensuring that we balance environmental protection, environmental sustainability, and ecosystem production with our economic development efforts.

But in this case, by taking these steps and reducing our domestic production of energy, particularly offshore, you are reducing the funds that are available for environmental restoration and environmental initiatives. Because it is going to result in a 35 percent reduction in offshore energy production, according to the McKinsey study. So, if that is accurate, it is going to result in billions of dollars of less revenue for the U.S. Government.

Now, what makes that even worse is that the far, majority of the offshore energy production in the United States happens off the shores of Texas, Louisiana, Mississippi, and Alabama.

□ 1315

Mr. Speaker, I believe that is your home State, one of those.

So, under Federal law, from 2006, those energy revenues are shared back with the States so they can carry out efforts to help ensure the sustainability of their coasts and resilience of their communities.

In the case of Louisiana, my home State, we actually passed a constitutional amendment to dedicate those dollars back to restoring the coast, to preventing floods.

So this budget, as submitted, does not include funds through the Corps of Engineers for projects like the Morganza to the Gulf project. It doesn't include funds for important projects to prevent repetitive flooding, like the Comite project. It doesn't fulfill the President's commitment that he made to Louisiana in 2012, when he walked on the streets in St. John Parish and said he was going to advance the West Shore project to ensure that we don't continue to see flooding from hurricanes and storms in St. John Parish and St. Charles Parish and some of the adjacent areas.

He fails to fulfill his own commitment by zeroing out funding for that important project, and again adding insult to injury to insult to injury to insult, by taking away funds in his budget request, attempting to repeal these offshore energy revenue-sharing dollars that in the State of Louisiana are committed to ecosystem restoration and to community resilience efforts to prevent floodwaters, to save FEMA money, to prevent disasters, to prevent economic disruption, to prevent disrupting our families and our businesses in south Louisiana.

Mr. Speaker, I just want to close by saying that this budget is entirely nonsensical. It talks about reducing spending and saving money, yet it does completely the opposite.

It talks about environmental initiatives, yet all it proposes to do is reduce funds available for environmental purposes, and then, in one case, swaps the Louisiana money, or attempts to take the Louisiana money—excuse me—take the money from the Gulf States and send it up to Alaska for a climate initiative on coastal resiliency.

And one last note on that, Mr. Speaker. I have been up to the communities in coastal Alaska. I have been up to Shishmaref and Kivalina and Kotzebue and Nome and Barrow and Deadhorse. I have been to these communities, and they deserve help. But, Mr. Speaker, to simply trade, or to rob Peter to pay Paul, to rob the Gulf to set up a program in Alaska, it is mind-boggling.

Mr. Speaker, they all deserve help. They all deserve help. To simply take

money from one area and to send it to another one, that doesn't fix the problem.

This budget, from a fiscal perspective, is fatally flawed policy. It is going to put extraordinary financial burden on future generations. From an environmental perspective, it is completely nonsensical in that it takes money away from environmental restoration and environmental initiatives and community resilience. It is going to result in increasing FEMA disaster spending by leaving these communities vulnerable by failing to address these hazards.

I urge, Mr. Speaker, that, as we move forward, we move forward with commonsense reforms to reduce spending, to bring the debt under control, to begin reducing our national debt, and to make sure that we are spending money in places where it makes sense, to fulfill commitments to the people in St. John and St. Charles Parishes, to ensure that our communities and our economy are more resilient, and not to continue mortgaging our future and continue allowing our environment to degrade, as it is in coastal Louisiana.

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

LESSONS FROM THE VIETNAM WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Mr. Speaker, I thank my friend from Louisiana, my neighbor—wonderful points being made.

I also want to call attention, Mr. Speaker, today to the 43rd anniversary of the release from imprisonment of American POWs from North Vietnam, among whom is our friend and hero here in the House, SAM JOHNSON.

It was nice of staff to have a little reception for Congressman JOHNSON, and it is important to remember such things and try to learn from our mistakes. Because once again, in the last couple of weeks, I have heard references to mistakes of the past, like the lesson we should have learned from Vietnam, and then they get the lesson all wrong.

We really didn't allow our military in Vietnam to win the war in Vietnam. Our pilots, our military operations, they could have won that war had they been allowed to do so.

And the best indication of that is, after 7 years that SAM JOHNSON spent in just the most horrid conditions, horrendous torture, joined by other American heroes, like JOHN MCCAIN, who was 3 years at the Hanoi Hilton, where SAM JOHNSON was.

I know he was shot down 5 years before the release, but it was only the last 3 years that he was placed in confinement there with, I believe, 10 others in the worst of the worst facilities, so bad that even today, after they cleaned up some of the torture chambers and tried to dress them up, they still won't let Americans go into the original Hanoi Hilton where they held 11, including SAM JOHNSON, in the most horrid of conditions.

But the chronology, basically, in a nutshell, Nixon promised that he would, if he was reelected, he would get us out of Vietnam. So after reelection, they start the Paris peace talks—and I realize this is a gross generalization. They start the Paris peace talks. The North Vietnamese storm out. So Nixon orders carpet bombing of sites in North Vietnam that they had never been allowed to bomb before, including the areas in Hanoi itself.

SAM has related personally that, when they first heard the first bomb drop, they thought: Wow, one might fall here. And then they were absolutely overjoyed that, finally, their country, the United States of America, was finally bringing the war to the North Vietnamese leaders. They had not done that.

So there was massive bombing for 2 weeks. After 2 weeks, tremendous bombing, then the leaders came rushing back to the peace tables: Let's work this out.

They got a peace accord agreed to. They agreed to provide all the names, locations of Americans who were killed in action or missing in action, provide all of the POWs. Apparently, American officials knew pretty quickly they didn't give us everybody, and that is another dark chapter in our history. But they agreed to release the POWs.

As SAM JOHNSON and others were being released from the Hanoi Hilton, he said probably the cruelest of the officers there was laughing and smirking at the Americans as they were allowed to leave and go to a bus and, basically, said: You stupid Americans. If you had just bombed us for one more week, we would have had to surrender unconditionally.

Yes, that is right. The lesson of Vietnam should have been that we should never, ever put our military in harm's way without giving them all of the equipment and ordnance they need to win and the order to win. If we are not willing to give them rules of engagement that allow them to win, they should not be sent.

Yet, since this administration has been in office, there have been three to four times more American military lives lost.

I am told by many in the military, because of the rules of engagement, because of where they are placed, without being able to properly defend themselves, that, under Commander in Chief Obama, three to four times more military members, American military members, have given their lives, their last full measure of devotion, than were lost during the 7¼ years in which the war in Afghanistan raged at its highest under Commander in Chief Bush. The difference is you had one Commander in Chief that gave them more authority to win and a second, a later Commander in Chief, that tied their hands behind their backs.

So that brings us to where we are today, 43 years after SAM JOHNSON and other American POWs were released from North Vietnam. The real lesson of Vietnam still hasn't been learned because we have still got American military members being killed abroad, in Afghanistan, without giving them the rules of engagement to protect themselves.

And if that were the end of the story, that would be bad enough; but it is even worse when our military members have been subjected to the examples of having American military members punished, sent to prison if they dared to put the safety and lives of their men as the first consideration of their actions and their orders.

So we have a lieutenant in Leavenworth who, when an Afghan on a motorcycle refused to honor the signs, the orders to stop, refused to stop or even slow down when shots were fired in his direction, and so you have to give some credit to this administration and the military leaders and the orders that make their way from the top down and the rules of engagement as to why, just in recent weeks, we have lost military members when someone on a motorcycle rode up and exploded themselves.

They knew. Our American military that died in that suicide motorcycle bombing, they knew what had happened to the lieutenant. All of our people in Afghanistan know what happened when this administration makes an example out of an officer who dares to put the safety of his own people uttermost in his mind.

It is a sad time in America. Our allies notice that, if we will not even take the life, the treasure of our own American military more seriously, then how can they possibly put their faith in us that we will keep our word and protect them? They have seen what happened in Ukraine.

□ 1330

They didn't really lift a finger to help the Ukrainians against the Russian aggression. In fact, after Russian aggression against Georgia, President Bush put some sanctions in place. Relations got more chilled between the United States and Russia because of the egregious, unfair actions of Russia in Georgia.

The first thing this President did was send Hillary Clinton over with a plastic, red button. They put the wrong interpretation on it. They meant to say a reset button, and they got the wrong language on there.

The message was very clear to the Russians: Ah, President Obama and Hillary Clinton don't care if we violate their allies. They don't care if we invade their friends. They don't care. They want a reset button and basically have apologized for getting upset that we in Russia invaded Georgia. So Hillary Clinton and President Obama are fine with us invading other places.

What were they supposed to think that this administration would do when they invaded Ukraine? Well, they guessed right, that this administration wouldn't really do anything about it.

Oh, I am sorry, Mr. Speaker. I forgot. This administration did do something about the Russian aggression. In fact, the President delivered it. He didn't know the microphone was picking him up when he said, basically:

Tell Vladimir that I will have a whole lot more flexibility after the election.

So they got the messages. We can pretty much abuse and invade, whatever we care to do. It is outrageous what has happened to American reputation abroad.

So today is the 43rd anniversary. We salute SAM JOHNSON and all those POWs that were released today from North Vietnam. I wish we had learned the lesson from the horrors that they experienced.

In fact, there is an article here by Anne Bayefsky. It originally appeared on FOX News. This was released February 11, 2016, by Human Rights Voices:

''There is a dangerous scam gaining traction at the United Nations, backstopped by the White House.''

That is our U.S. President's House.

''It's called 'violent extremism.' Given the U.N.'s long and undistinguished history of being unable to define terrorism, and an American President who chokes on the words 'radical Islamic terrorism,' pledges to combat 'violent extremism' have become all the rage.

''It turns out that the terminological fast one is a lethal diplomatic dance that needs to be deconstructed, and quickly.

''In 1999, the Organization of Islamic Cooperation''—that is the OIC—''enemy'' insert parenthetically, Mr. Speaker—the OIC, Organization of Islamic Cooperation, has all of the Islamic nations except the United States included in it, and they also include the Palestinians that are in the nation of Israel.

I always get confused whether the OIC has 50 states and we have in the United States 57 States or whether the OIC has 57 states and we have 50. So I shared that with our President when he was running for the Presidency as he got confused whether the U.S. has 57 states—no, that is the OIC—and the United States has 50. It is confusing.

The article states: ''In 1999, the Organization of Islamic Cooperation . . . adopted an 'anti-terrorism' treaty stating that 'armed struggle against foreign occupation, aggression, colonialism, and hegemony, aimed at liberation and self-determination . . . shall not be considered a terrorist crime.'

''In practice, that means it is open season on all Israelis, as well as Americans and Europeans who get in the way. Each of the 56 Islamic states''—actually, the OIC is 57 because they claim Palestine—''and what the UN labels the 'State of Palestine,' is a party to this treaty.

''The September 11 terror attacks then launched a growth industry in U.N. counter-terrorism chit-chat and paraphernalia.

''Year-after-year, Islamic states have prevented the adoption of a UN Comprehension Convention Against Terrorism by refusing to abandon their claim that certain targets are exempt.

''In 2001 the U.N. Security Council created the Counter-Terrorism Committee. But it is unable to name a state sponsor of terrorism. In fact, from 2002 to 2003, Syria, a state sponsor of terrorism, was a member.

''In 2005 the U.N. Commission on Human Rights, once chaired by Colonel Qaddafi's Libya, created the U.N. expert on 'the promotion and protection of human rights and fundamental freedoms while countering terrorism'—as if countering terror is not about protecting human rights.

''In 2006 the General Assembly adopted a Global Counter-Terrorism Strategy. It manages to cast terrorists as victims. 'Pillar Number One' starts by worrying about 'conditions conducive to the spread of terrorism.' 'Youth unemployment,' for instance, purportedly results in 'the subsequent sense of victimization that propels extremism and the recruitment of terrorists.'

''In 2011 the U.N. established the Counter-Terrorism Center—at the initiative of Saudi Arabia. The Saudis threw $100 million at the venture and became chair of the 'Advisory Board.' Saudi financing of radical charities and 'academic' exercises around the world are somehow left out of Center events on investigating and prosecuting terror financing.

''Integral to the-best-defense-is-a-good-offence routine, has been the constant unsubstantiated allegation of an 'Islamophobia' pandemic.

''For the first decade of the 21st century, the Islamophobia charge was hurled in UN resolutions on the 'defamation' of Islam or the 'defamation of religion.' Defamation meant the freedoms of human beings should be trumped by the 'rights' of 'religion.'

''In 2009 'defamation' was repackaged by the General Assembly as 'human rights and cultural diversity.' Ever since, the over 100 countries of the 'Non-aligned movement' vote against Western states and demand the freedoms of human beings be trumped by 'cultural diversity.' And that's cultural diversity Iran-style. In December 2015, the UN resolution praised Tehran's Centre for Human Rights and Cultural Diversity—the brainchild of former Iranian President and well-known human rights aficionado Mahmoud Ahmadinejad.

''In the last six weeks alone, Islamic states have staged two UN meetings focusing on 'Islamophobia and inclusive societies,' and 'countering xenophobia.' Two weeks ago, the servile Secretary-General Ban Ki-moon couldn't mention 'antisemitism' on the anniversary of the liberation of Auschwitz without connecting it to 'anti-Muslim bigotry.'

''Of course, the Islamophobia drumbeat skips right over the xenophobia, antisemitism, and exclusively that is endemic—and officially-sanctioned—in Islamic states.

''This is the substrate from which Ban Ki-moon has now manufactured a 'Plan of Action to Prevent Violent Extremism.' Introduced in January, the General Assembly is meeting on February 12, 2016 to push the plan forward.

''After one mention of 'ISIL, Al-Qaeda and Boko Haram,' the Plan insists that violent extremism 'does not arise in a vacuum. Narratives of grievance, actual or perceived injustice . . . become attractive.' 'It is critical that in responding to this threat,' stresses the Plan, that states be stopped from 'overreacting.' Topping 'conditions conducive to violent extremism' is 'lack of socioeconomic opportunities.' ''

Mr. Speaker, this just shows the ignorance in the U.N. in propagating such a plan and the sheer naivety, if not outright intentional misleading, of those who would read their report.

Lack of socioeconomic opportunities is not what caused one of the wealthier Islamists to put together and carry out a plan of attacking the World Trade Center, the Pentagon, and, apparently, this Capitol. He was wealthy. So are many of those who are funding terrorism. It arises out of radical Islamic beliefs.

Nobody should have to ever say: We know all Muslims don't believe this. It should go without saying. We know that. But for those that do, it is sheer idiocy to claim that Islam has nothing to do with the radical Islamic terrorism that is occurring.

When you have one of the most world-renowned experts on Islam who has studied his whole life on the Koran, the holy Koran, as he would call it, the tenets and the pillars of Islam and even has his Ph.D., we are told, in Islamic studies from the University of Baghdad—Mr. Speaker, I think I forgot to mention he is the head of ISIS.

The head of the Islamic State is one of the world's foremost experts on Islam, and he says the Islamic State is exactly what Islam is all about.

I know, when I was a judge, people had to put on evidence as to educational background and study in an area so that I, as the judge, could determine whether that man or woman was actually an expert in their field.

I would say the head of ISIS, with his educational background and his research and study, certainly is far more of an expert on Islam than our President or Valerie Jarrett or anybody in this administration.

The article says: ''Here we go again. The bigots, fanatics and killers are allegedly driven by our annoying insistence on fighting back—which the Plan astonishingly calls 'the cycle of insecurity and armed conflict.'

''As per usual in U.N. negotiations, the Obama administration has jumped

on board while Islamic states are holding out for greater elaboration of their grievances and even more 'nothing to do with religion or Islam' clauses.

''The U.N.'s idea of a win-win is an illusory 'global partnership to confront this menace' that allows states to define violent extremism any which way they want: 'This Plan of Action pursues a practical approach to preventing violent extremism, without venturing to address questions of definition.'

''Only U.N. con-artists could present refusing to identify a problem as the most practical way to solve it.

''More practically speaking, the latest Palestinian terror wave began by pumping bullets into a young mom and dad in front of their little kids for the crime of being Jews living and breathing on Arab-claimed land. In U.N. terminology, Eitam and Naama Henkin were 'extremist settlers.'

''So to all you extremist lovers of liberty: beware the violent extremists in U.N. clothing, and the morally-challenged commanders in chief bringing up the rear.''

Well written. We have got to wake up. We had another bombing. We have more violence. We hear from ISIS leaders that they have been able to get some of their best warriors into the United States and into Europe posing as refugees. We have the head of the FBI who warns all of us in the House and all of us in the Senate and says we have cases regarding the Islamic State in every State in the Union.

□ 1345

Still, we let the administration get away with turning a blind eye toward the real problem and say we need to welcome more and more refugees. We are told by the people who are in charge of the vetting: We will vet them, but we have no information really to vet them with, so, sure, there are going to be some terrorists come in.

We have an obligation in this House, and those Senators at the other end of the hall, to our Constitution, and we are to provide for the common defense. We are supposed to provide that defense against all enemies—foreign and domestic.

For those who don't know the Constitution well enough, there is no right by someone illegally in the United States to have a hearing before an article III Federal District Court. In fact, there is no District Court mentioned in article III. The only court mentioned is the Supreme Court. As my old constitutional law professor said, there is only one court in the country that owes its existence to the U.S. Constitution. Every other Federal Court, every other tribunal, and magistrate in the country owes its existence—that is a Federal entity—owes its existence to the United States Congress. We have the right to create them; we have the right to remove them.

Our own military do not have a right to a United States District Court. Why? Because the Constitution says Congress has the full authority to create disciplinary systems for the military. That is why the UCMJ, the Uniform Code of Military Justice, was created.

Why in the world should we have people in this administration advocating for people illegally in this country, people illegally in this country that want to do damage to America, and advocate that they have a right to a U.S. District Court that our own military heroes don't have a right to? The answer is: They don't have that right at all.

There is an article: Female Suicide Bomber Pair Kill 58 in Nigerian Refugee Camp. Having been there and having wept with family members who have lost kids, had kids kidnapped, held, their little girls raped repeatedly for months now, and the best this administration does is start a little social media campaign: Bring Back Our Girls, are you kidding me?

Give Nigeria all the Intel they need to wipe out Boko Haram. Let them do it.

The Taliban was totally defeated between October of 2001 and February of 2002. Without one single American life lost, we had embedded military in Afghanistan, no lives lost, and the Taliban was totally routed by February. Then we did something that wasn't very smart. We began basically an occupation of Afghanistan. It hasn't worked out well.

Here is an article: CIA Director Says Islamic Group has Used, Can Make Chemical Weapons. It quotes Brennan on CBS News and Lara on 60 Minutes as saying: The CIA believes the IS group has the ability to make small amounts of mustard and chlorine gas for weapons, and ''there are reports that ISIS has access to chemical precursors and munitions that they can use.''

Mr. Speaker, we need to have learned our lesson, and we haven't. If this administration doesn't stand up, more lives will be needlessly lost.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STIVERS (at the request of Mr. MCCARTHY) for today on account of his duties with the Ohio National Guard.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 757. An act to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

H.R. 907. An act to improve defense cooperation between the United States and the Hashemite Kingdom of Jordon.

H.R. 1428. An act to extend Privacy Act remedies to citizens of certified states, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, pursuant to Senate Concurrent Resolution 31, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until Tuesday, February 23, 2016, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4329. A letter from the Deputy Director, Directorate of Cooperative and State Programs, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule — Maine State Plan for State and Local Government Employers [Docket No.: OSHA-2015-0003] (RIN: 1218-AC97) received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

4330. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Regional Haze BART Alternative Measure: Washington [EPA-R10-OAR-2015-0398; FRL-9942-15-Region 10] received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4331. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Benzyl acetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2014-0783; FRL-9941-49] received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4332. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Title V Operating Permit Program Revision; West Virginia [EPA-R03-OAR-2015-0594; FRL-9942-12-Region 3] received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4333. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Diflubenzuron; Pesticide Tolerances [EPA-HQ-OPP-2014-0672; FRL-9939-59] received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4334. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Center for Food Safety and Applied Nutrition Library Address; Technical Amendments [Docket No.: FDA-2015-N-0011] received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

4335. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Venezuela that was declared in Executive Order 13692 of March 8, 2015, pursuant to 50 U.S.C. 1641(c); Public

Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

4336. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(d) Public Law 92-403, Sec. 1; (86 Stat. 619); to the Committee on Foreign Affairs.

4337. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a certification, pursuant to Secs. 36(c) and 36(d) of the Arms Export Control Act, Transmittal No.: DDTC 15-050; to the Committee on Foreign Affairs.

4338. A letter from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Foreign Affairs.

4339. A letter from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting notification of two nominations, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

4340. A letter from the General Counsel, Peace Corps, transmitting a notification of an action on nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105-277, 151(b); (112 Stat. 2681-614); to the Committee on Oversight and Government Reform.

4341. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's temporary final rule — Safety Zone; Ironman 70.3 Miami; Miami, FL [Docket No.: USCG-2015-0483] (RIN: 1625-AA00) received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4342. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability —— Vessels, Deepwater Ports and Onshore Facilities [Docket No.: USCG-2013-1006] (RIN: 1625-AC14) received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4343. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31055; Amdt. No.: 3677] received February 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4344. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31054; Amdt. No.: 3676] received February 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4345. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31053; Amdt. No.: 3675] received February 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4346. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31051; Amdt. No.: 3673] received February 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4347. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31052; Amdt. No.: 3674] received February 8, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4348. A letter from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shore (Belt) Parkway Bridge Construction, Mill Basin; Brooklyn, NY [Docket Number: USCG-2014-1044] (RIN: 1625-AA00) received February 9, 2016, pursuant to 5 U.S.C. 801(a)(1)(A); Added by Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

4349. A letter from the Inspector General, Railroad Retirement Board, transmitting the FY 2017 Congressional Budget Justification for the Office of Inspector General of the Railroad Retirement Board, pursuant to 45 U.S.C. 231f(f); Public Law 93-445, title I, Sec. 416; (97 Stat. 436); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

4350. A letter from the Labor Member and Management Member, Railroad Retirement Board, transmitting the Congressional Justification of Budget Estimates for FY 2017 including the Performance Plan for the year for the Railroad Retirement Board, pursuant to 45 U.S.C. 231f(f); Public Law 93-445, title I, Sec. 416; (97 Stat. 436); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

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. JOLLY:

H.R. 4551. A bill to require the establishment of a Consumer Price Index for Older Americans to compute cost-of-living increases for monthly insurance benefits under title II of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOLLY (for himself and Mr. O'ROURKE):

H.R. 4552. A bill to require all gas stations offering self-service to meet certain accessibility standards for individuals with disabilities, and for other purposes; to the Committee on the Judiciary.

By Mr. HARPER (for himself, Mr. LOEBSACK, Mr. PETERSON, Mr. PALAZZO, Mr. KELLY of Mississippi, and Mr. THOMPSON of Mississippi):

H.R. 4553. A bill to amend title XVIII of the Social Security Act to clarify reasonable costs for critical access hospital payments under the Medicare program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELBENE (for herself, Mr. PALAZZO, Mr. WALZ, Ms. MCSALLY, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. NUGENT, Mr. RYAN of Ohio, Mrs. LAWRENCE, Mr. BRIDENSTINE, Ms. KAPTUR, Mr. JONES, Mr. LARSEN of Washington, Mr. HASTINGS, Mr. CARNEY, Mrs. TORRES, Mr. HONDA, Mr. REICHERT, Mr. AUSTIN SCOTT of Georgia, Mr. HECK of Washington, Mr. TAKANO, Mr. SERRANO, and Ms. MCCOLLUM):

H.R. 4554. A bill to amend title 10, United States Code, to ensure that certain members of the National Guard serving on full-time National Guard duty and dependents remain eligible for the TRICARE program during periods in which the member is responding to a disaster; to the Committee on Armed Services.

By Mr. LAMBORN (for himself, Ms. MCSALLY, Mr. DESANTIS, Mr. FRANKS of Arizona, Mr. FITZPATRICK, Mr. ROUZER, Mr. COSTELLO of Pennsylvania, Mr. ZELDIN, Mrs. BLACK, Mr. ROSS, Mr. WALKER, and Mr. COOK):

H.R. 4555. A bill to clarify the application of section 304 of the Tariff Act of 1930 as it relates to articles from areas of the West Bank and Gaza that are not administered by Israel; to the Committee on Ways and Means.

By Mr. CARTWRIGHT (for himself, Mr. GRIJALVA, Mr. HIMES, Ms. JACKSON LEE, Mr. JONES, Ms. KELLY of Illinois, Mrs. KIRKPATRICK, Mr. LOEBSACK, Mr. VARGAS, Ms. BORDALLO, Mr. COHEN, Mr. RUSH, Ms. JENKINS of Kansas, Mr. HONDA, and Mr. RYAN of Ohio):

H.R. 4556. A bill to amend title 38, United States Code, to improve the authority of the Secretary of Veterans Affairs to hire psychiatrists; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Ohio (for himself, Ms. SEWELL of Alabama, Mr. BISHOP of Georgia, Mr. SHIMKUS, and Mrs. ROBY):

H.R. 4557. A bill to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule; to the Committee on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. CARTWRIGHT, Mr. COSTELLO of Pennsylvania, Mr. KIND, Mr. LOBIONDO, and Mr. WITTMAN):

H.R. 4558. A bill to authorize the United States Fish and Wildlife Service to seek compensation for injuries to trust resources and use those funds to restore, replace, or acquire equivalent resources, and for other purposes; to the Committee on Natural Resources, 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. FRANKS of Arizona (for himself, Mr. PETERSON, and Mr. CRAMER):

H.R. 4559. A bill to establish the United States Commission on the Organization of Petroleum Exporting Countries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BEATTY (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SEWELL of Alabama, Ms. WILSON of Florida, Mr. DAVID SCOTT of Georgia, Mr. CLAY, Mr. RANGEL, Mr. LEWIS, Mr. DANNY K. DAVIS of Illinois, Ms. BROWN of Florida, Ms. LEE, Mr. HASTINGS, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Ms. ADAMS, Mr. MEEKS, Mr. BISHOP of Georgia, Mr. RICHMOND, Mr. AL GREEN of Texas, Ms. NORTON, Ms. FUDGE, Mrs. WATSON COLEMAN, Mr. JOHNSON of Georgia, Mr. VEASEY, and Ms. PLASKETT):

H.R. 4560. A bill to assist survivors of stroke and other debilitating health occurrences in returning to work; to the Committee on Education and the Workforce.

By Mr. CLAWSON of Florida (for himself, Mr. MURPHY of Florida, and Ms. ROS-LEHTINEN):

H.R. 4561. A bill to authorize the use of Ebola funds for Zika response and preparedness; to the Committee on Energy and Commerce.

By Mr. CLAWSON of Florida (for himself, Mr. MURPHY of Florida, and Ms. ROS-LEHTINEN):

H.R. 4562. A bill to amend the Public Health Service Act to reauthorize a program to prevent and control mosquito-borne diseases; to the Committee on Energy and Commerce.

By Mr. CLAWSON of Florida (for himself and Mr. MURPHY of Florida):

H.R. 4563. A bill to amend the Internal Revenue Code of 1986 to provide a credit for research related to the development of a vaccine for the Zika virus; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. ROONEY of Florida, Mr. NEAL, Mr. KING of New York, Mr. KENNEDY, Mr. SMITH of New Jersey, and Mr. BRENDAN F. BOYLE of Pennsylvania):

H.R. 4564. A bill to redesignate the small triangular property located in Washington, DC and designated by the National Park Service as reservation 302 as Robert Emmet Park, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO:

H.R. 4565. A bill to amend the Federal Food, Drug, and Cosmetic Act to restrict direct-to-consumer drug advertising; to the Committee on Energy and Commerce.

By Mr. KNIGHT (for himself, Mr. SHERMAN, Ms. JUDY CHU of California, and Mr. SCHIFF):

H.R. 4566. A bill to withdraw certain lands in Los Angeles County, California, from entry, appropriation, or disposal under the public land laws, and for other purposes; to the Committee on Natural Resources.

By Mr. LANCE (for himself and Ms. MATSUI):

H.R. 4567. A bill to increase the number of States that may conduct Medicaid demonstration programs to improve access to community mental health services; to the Committee on Energy and Commerce.

By Mr. BEN RAY LUJÁN of New Mexico (for himself, Mr. POLIS, and Ms. MICHELLE LUJAN GRISHAM of New Mexico):

H.R. 4568. A bill to make funds available to the Department of Energy National Laboratories for the Federal share of cooperative research and development agreements that support maturing Laboratory technology and transferring it to the private sector, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. MATSUI (for herself and Mr. LANCE):

H.R. 4569. A bill to amend the Protecting Access to Medicare Act of 2014 (PAMA) to extend and expand the Medicaid community mental health services demonstration program; to the Committee on Energy and Commerce.

By Ms. MENG (for herself and Mr. ZINKE):

H.R. 4570. A bill to amend the Department of Agriculture program for research and extension grants to increase participation by women and underrepresented minorities in the fields of science, technology, engineering, and mathematics to redesignate the program as the ''Jeannette Rankin Women and Minorities in STEM Fields Program''; to the Committee on Agriculture.

By Ms. MOORE (for herself, Ms. JACKSON LEE, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. HASTINGS, Mr. RANGEL, Mrs. BEATTY, and Ms. BORDALLO):

H.R. 4571. A bill to amend the Public Health Service Act to improve the health of children and help better understand and enhance awareness about unexpected sudden death in early life; to the Committee on Energy and Commerce.

By Mr. NOLAN:

H.R. 4572. A bill to amend the Trade Act of 1974 to authorize a State to reimburse certain costs incurred by the State in providing training to workers after a petition for certification of eligibility for trade adjustment assistance has been filed, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER:

H.R. 4573. A bill to provide for research on the use of child restraint devices on commercial aircraft; to the Committee on Science, Space, and Technology.

By Mr. PERLMUTTER (for himself and Mr. POLIS):

H.R. 4574. A bill to require the Federal Aviation Administration to adopt safety standards regarding fuel systems in newly manufactured helicopters; to the Committee on Transportation and Infrastructure.

By Mr. POLIQUIN (for himself and Mr. DAVID SCOTT of Georgia):

H.R. 4575. A bill to amend the Federal Home Loan Bank Act to provide investment authority to support rural infrastructure development, and for other purposes; to the Committee on Financial Services.

By Mrs. RADEWAGEN (for herself and Mr. YOUNG of Alaska):

H.R. 4576. A bill to implement the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, to implement the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, and for other purposes; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself and Mr. PETERSON):

H.R. 4577. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself, Mrs. NAPOLITANO, Mr. GRIJALVA, Ms. LOFGREN, Mr. BECERRA, Ms. ESHOO, Mr. FARR, Mr. GARAMENDI, Mr. LOWENTHAL, Mr. TAKANO, Ms. LORETTA SANCHEZ of California, Mr. HUFFMAN, Ms. JUDY CHU of California, Ms. MATSUI, Mr. THOMPSON of California, Mr. POCAN, Ms. BROWNLEY of California, and Mr. CÁRDENAS):

H.R. 4578. A bill to amend title 49, United States Code, to provide for minimum safety standards for underground gas storage facilities, and for other purposes; to the Committee on Transportation and Infrastructure, 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. STEWART (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, and Mrs. LOVE):

H.R. 4579. A bill to withdraw certain Bureau of Land Management land in the State of Utah from all forms of public appropriation, to provide for the shared management of the withdrawn land by the Secretary of the Interior and the Secretary of the Air Force to facilitate enhanced weapons testing and pilot training, enhance public safety, and provide for continued public access to the withdrawn land, to provide for the exchange of certain Federal land and State land, 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 Mr. ASHFORD:

H. Con. Res. 116. Concurrent resolution condemning North Korea's February 6, 2016, long-range rocket launch and North Korea's February 9, 2016, restart of a plutonium reactor; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. JOLLY:

H.R. 4551.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. JOLLY:

H.R. 4552.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, of the Constitution of the United States

By Mr. HARPER:

H.R. 4553.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Ms. DELBENE:

H.R. 4554.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. LAMBORN:

H.R. 4555.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 3 of the U.S. Constitution, which gives Congress the

power ''to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

By Mr. CARTWRIGHT:

H.R. 4556.

Congress has the power to enact this legislation pursuant to the following:

Article I; Section 8; Clause 1 of the Constitution states 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 . . .

By Mr. JOHNSON of Ohio:

H.R. 4557.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution, To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. THOMPSON of California:

H.R. 4558.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1

By Mr. FRANKS of Arizona:

H.R. 4559.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce with foreign nations and among the several States).

By Mrs. BEATTY:

H.R. 4560.

Congress has the power to enact this legislation pursuant to the following:

Article I of the U.S. Constitution.

By Mr. CLAWSON of Florida:

H.R. 4561.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution

By Mr. CLAWSON of Florida:

H.R. 4562.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution

By Mr. CLAWSON of Florida:

H.R. 4563.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution

By Mr. CROWLEY:

H.R. 4564.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Ms. DELAURO:

H.R. 4565.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 3 and 18 of the United States Congress

By Mr. KNIGHT:

H.R. 4566.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Sec. 3 refers to the managerial authority over property owned by the Federal Government

By Mr. LANCE:

H.R. 4567.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, of the United States Constitution

This states that ''Congress shall have the power to . . . lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.''

By Mr. BEN RAY LUJÁN of New Mexico:

H.R. 4568.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. MATSUI:

H.R. 4569.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3, the Commerce Clause

By Ms. MENG:

H.R. 4570.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution

By Ms. MOORE:

H.R. 4571.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. NOLAN:

H.R. 4572.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. PERLMUTTER:

H.R. 4573.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. PERLMUTTER:

H.R. 4574.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. POLIQUIN:

H.R. 4575.

Congress has the power to enact this legislation pursuant to the following:

''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes:'' as enumerated in Article 1, Section 8 of the United States Constitution.

By Mrs. RADEWAGEN:

H.R. 4576.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—The Congress shall have power . . . to regulate commerce with foreign nations, and among the several states, and with the Indian Tribes.

By Mr. ROHRABACHER:

H.R. 4577.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section, 8, Clause 1 of the United States Constitution, which gives Congress the ''power to lay and collect taxes,'' as well as Amendment XVI of the United States Constitution, which gives Congress the ''power to lay and collect taxes on incomes . . .''.

By Mr. SHERMAN:

H.R. 4578.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. STEWART:

H.R. 4579.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 27: Mr. COLLINS of New York, Mr. MICA, Mr. POMPEO, Mr. ROKITA, Mr. UPTON, Mr. YODER, Mr. CALVERT, Mr. COFFMAN, Mr. GRAVES of Georgia, Mrs. LUMMIS, Mr. ROGERS of Kentucky, Mr. WOMACK, Mr. BUCK, Mr. HOLDING, and Mr. RICE of South Carolina.

H.R. 188: Mr. CONAWAY.

H.R. 228: Mr. SENSENBRENNER.

H.R. 250: Mr. FRANKS of Arizona and Mr. PETERS.

H.R. 267: Mrs. DINGELL.

H.R. 494: Mr. GRIFFITH, Mr. BISHOP of Michigan, Mrs. ELLMERS of North Carolina, and Mr. HECK of Nevada.

H.R. 534: Mr. DOLD.

H.R. 604: Mr. FLEMING.

H.R. 663: Mr. ROUZER.

H.R. 664: Mr. NOLAN and Mr. TAKANO.

H.R. 716: Mr. FRELINGHUYSEN.

H.R. 759: Ms. BASS and Ms. JACKSON LEE.

H.R. 775: Ms. TITUS and Mr. LANCE.

H.R. 793: Mr. BABIN.

H.R. 799: Mr. SENSENBRENNER, Ms. MOORE, and Mr. KIND.

H.R. 814: Mr. POSEY and Mr. BUCHANAN.

H.R. 829: Mr. GARAMENDI.

H.R. 921: Mr. MURPHY of Pennsylvania.

H.R. 932: Ms. NORTON.

H.R. 953: Mr. MCGOVERN.

H.R. 969: Mr. GALLEGO.

H.R. 1095: Ms. TITUS.

H.R. 1116: Mr. LANCE.

H.R. 1197: Ms. Velázquez.

H.R. 1221: Miss RICE of New York.

H.R. 1342: Mr. WALBERG and Mr. BLUM.

H.R. 1391: Mr. CLAY and Mr. THOMPSON of Mississippi.

H.R. 1399: Mr. DELANEY.

H.R. 1486: Mr. CONAWAY and Mr. LUETKEMEYER.

H.R. 1516: Mr. SERRANO.

H.R. 1733: Mr. CROWLEY.

H.R. 1742: Ms. MENG.

H.R. 1797: Mrs. DINGELL and Mr. MCGOVERN.

H.R. 1957: Ms. DEGETTE.

H.R. 1958: Ms. DEGETTE.

H.R. 2156: Mr. FORBES.

H.R. 2264: Mrs. WAGNER and Mr. AMODEI.

H.R. 2293: Mr. THOMPSON of California and Mr. JOHNSON of Ohio.

H.R. 2367: Mr. VEASEY.

H.R. 2411: Mr. MCNERNEY and Mr. DESAULNIER.

H.R. 2418: Mr. ROONEY of Florida and Mr. HUNTER.

H.R. 2515: Mr. CRENSHAW.

H.R. 2530: Mr. LANGEVIN.

H.R. 2553: Ms. DELBENE.

H.R. 2698: Mr. RENACCI and Mrs. WALORSKI.

H.R. 2844: Mr. CLEAVER.

H.R. 2901: Mr. SMITH of Texas.

H.R. 2911: Mr. KELLY of Pennsylvania.

H.R. 2990: Mr. REED.

H.R. 3060: Ms. LORETTA SANCHEZ of California.

H.R. 3084: Mr. COLLINS of New York.

H.R. 3099: Mr. LANGEVIN.

H.R. 3152: Mr. POCAN.

H.R. 3180: Mr. WELCH.

H.R. 3187: Mr. LABRADOR.

H.R. 3190: Mr. DELANEY.

H.R. 3225: Mr. CONAWAY.

H.R. 3235: Mr. DOLD.

H.R. 3250: Ms. NORTON.

H.R. 3294: Mr. KATKO and Mr. SENSENBRENNER.

H.R. 3299: Mr. CRAMER.

H.R. 3308: Ms. WASSERMAN SCHULTZ, Ms. ADAMS, Ms. BONAMICI, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. THOMPSON of Mississippi, Ms. ESTY, Mr. BEYER, Ms. TITUS, and Ms. WILSON of Florida.

H.R. 3326: Mr. TIBERI.

H.R. 3339: Ms. BONAMICI and Mr. POCAN.

H.R. 3355: Mr. ROGERS of Alabama.

H.R. 3377: Ms. BASS and Ms. DELBENE.

H.R. 3381: Mr. YOUNG of Alaska, Mr. BISHOP of Michigan, Mr. THOMPSON of Pennsylvania, and Ms. KAPTUR.

H.R. 3406: Mr. CARSON of Indiana and Mr. VEASEY.

H.R. 3470: Mr. COHEN, Ms. LOFGREN, Mr. SEAN PATRICK MALONEY of New York, Mr. JEFFRIES, and Mr. PAYNE.

H.R, 3497: Mr. DESAULNIER.
H.R. 3546: Mr. JOHNSON of Ohio.
H.R. 3599: Mr. MEADOWS.
H.R. 3684: Mr. TAKANO.
H.R. 3706: Mr. MCGOVERN and Mr. STIVERS.
H.R. 3765: Mr. ROGERS of Alabama and Mr. CONAWAY.
H.R. 3862: Mr. HASTINGS.
H.R. 3952: Mrs. ELLMERS of North Carolina.
H.R. 3954: Mr. KINZINGER of Illinois.
H.R. 3957: Mr. WEBSTER of Florida.
H.R. 3977: Ms. PINGREE.
H.R. 3985: Mr. LOEBSACK, Ms. WILSON of Florida, and Mr. KIND.
H.R. 3986: Mr. SERRANO.
H.R. 4007: Mr. KNIGHT.
H.R. 4017: Mr. BISHOP of Michigan.
H.R. 4073: Mr. VAN HOLLEN and Ms. MCCOLLUM.
H.R. 4137: Ms. NORTON, Ms. FUDGE, and Mrs. DINGELL.
H.R. 4229: Mr. CURBELO of Florida, Mr. DONOVAN, and Mr. KING of New York.
H.R. 4247: Mr. HASTINGS and Mr. RODNEY DAVIS of Illinois.
H.R. 4249: Mr. MCNERNEY.
H.R. 4260: Mr. TAKANO.
H.R. 4262: Mr. FORBES.
H.R. 4279: Mr. VISCLOSKY.
H.R. 4293: Mrs. WALORSKI and Mr. MACARTHUR.
H.R. 4313: Mr. CALVERT.
H.R. 4335: Mr. EMMER of Minnesota.
H.R. 4336: Mr. SCHRADER, Mr. FORBES, Mr. VALADAO, and Mr. RODNEY DAVIS of Illinois.
H.R. 4342: Mr. OLSON.
H.R. 4352: Mrs. RADEWAGEN, Mr. ROGERS of Alabama, Mr. RENACCI, and Mr. PAULSEN.
H.R. 4365: Mr. HARRIS.
H.R. 4388: Ms. DEGETTE.
H.R. 4396: Mr. YARMUTH, Mr. GRAYSON, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4400: Mr. RICHMOND, Mr. CARSON of Indiana, Mr. MCGOVERN, Mrs. LAWRENCE, Mrs. WALORSKI, and Ms. MCCOLLUM.
H.R. 4406: Mrs. WALORSKI.
H.R. 4410: Mr. CUMMINGS.
H.R. 4420: Mr. MEEHAN and Ms. SINEMA.
H.R. 4430: Mrs. NOEM.
H.R. 4433: Mr. DELANEY, Ms. SLAUGHTER, and Mr. RANGEL.
H.R. 4441: Mrs. MIMI WALTERS of California, Mr. DENHAM, Mr. HANNA, and Mr. SESSIONS.
H.R. 4457: Mr. SCHWEIKERT and Mr. GOSAR.
H.R. 4461: Mr. HUNTER, Mr. BUCSHON, and Mr. MILLER of Florida.
H.R. 4462: Ms. LEE.
H.R. 4475: Mr. ELLISON.
H.R. 4479: Ms. MAXINE WATERS of California and Ms. ROYBAL-ALLARD.
H.R. 4486: Mr. FRANKS of Arizona.
H.R. 4488: Mr. BEYER, Mr. PAYNE, Mr. POCAN, Mr. GRAYSON, Mr. LEWIS, Mr. HIGGINS, Mr. BRADY of Pennsylvania, and Mr. NOLAN.
H.R. 4519: Mrs. LAWRENCE and Mr. JONES.
H.R. 4520: Mrs. KIRKPATRICK, Mr. CRAWFORD, Mr. DESJARLAIS, Mr. MOOLENAAR, and Mr. EMMER of Minnesota.
H.R. 4521: Mr. SCHRADER and Mr. WOMACK.
H.R. 4522: Mr. HECK of Nevada and Mr. COLLINS of Georgia.
H.R. 4524: Mr. LEVIN.
H.R. 4525: Mr. AL GREEN of Texas.
H.R. 4528: Ms. LOFGREN.
H.R. 4534: Mrs. ELLMERS of North Carolina.
H.R. 4540: Mr. MEADOWS.
H.R. 4546: Ms. SPEIER.
H.J. Res. 12: Mr. BRAT.
H. Con. Res. 100: Mr. ROHRABACHER.
H. Res. 32: Ms. LOFGREN.
H. Res. 52: Mr. HECK of Nevada.
H. Res. 318: Mr. CICILLINE.
H. Res. 393: Mr. ASHFORD.
H. Res. 431: Mr. BUCSHON.
H. Res. 501: Mr. NEAL, Mrs. BEATTY, and Mr. ASHFORD.
H. Res. 509: Mr. MOONEY of West Virginia.
H. Res. 540: Mr. GUTIÉRREZ and Ms. BASS.
H. Res. 551: Mr. LAMBORN.
H. Res. 571: Mr. BENISHEK, Mr. GROTHMAN, Mr. JOHNSON of Ohio, Mr. YOUNG of Iowa, Mr. PITTS, Mr. CRAMER, and Mrs. LUMMIS.
H. Res. 588: Mr. JONES.
H. Res. 604: Mrs. COMSTOCK.
H. Res. 610: Mr. DELANEY.
H. Res. 613: Ms. FOXX and Mrs. NOEM.