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House of Representatives

The House met at noon and was called to order by the Speaker.

PRAYER

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

Loving and gracious God of Mercy, we give You thanks for giving us another day.

In this single week, after a long campaign season, and before breaking once again for Thanksgiving, bless the Members of the people's House with focus and purpose on the issues facing them.

We ask Your blessing as well on those newly elected who will be joining this assembly for the 115th Congress. May their transition into office be smooth and marked by the civility of democratic change of government which is the rightful pride of the United States of America.

Help us all to be grateful that we live in this country, and generous with the blessings and benefits derived from our citizenship.

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. HILL led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

HONORING OUR VETERANS

(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, on Friday, I was grateful to give the Republican Weekly Address to honor Veterans Day, where I spoke about how House Republicans, under the leadership of Speaker PAUL RYAN, are committed to providing our Nation's veterans the highest quality of care.

As the son of a World War II Flying Tiger, a 31-year veteran myself, and the grateful dad of four sons who have served overseas in the global war on terrorism, I appreciate the positive work of House Republicans to reform the Department of Veterans Affairs.

Veterans Affairs Chairman JEFF MILLER has been a determined advocate for veterans and military families, leading efforts to modernize the VA and deliver 21st century health care.

The House has also passed a series of reforms to the VA itself. I look forward to working with President-elect Donald Trump, Vice President-elect Mike Pence, and Speaker PAUL RYAN, to create a positive change of culture at the VA to give veterans the care they deserve. Chairman JEFF MILLER would be an excellent choice for Secretary of Veterans Affairs.

In conclusion, God bless our troops, and may the President, by his actions, never forget September the 11th in the global war on terrorism.

CHICAGO CUBS

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

Mr. QUIGLEY. Mr. Speaker, in 1908, the Chicago Cubs won the World Series at West Side Park. To give you a little perspective how long ago that was, in the crowd you could find Civil War veterans. President Taft, however, was not in attendance that day.

During the Cubs' 108-year drought, we have had two world wars, put a man on the moon, and survived Y2K. But after a historic seven-game series, I can finally say that my Chicago Cubs are champions once again.

I am enormously proud of the Chicago Cubs' players and coaches, the entire management team, and the Ricketts family for unparalleled determination on the long, long road to a league-best regular season and a championship title.

Generations of loyal Cubs fans finally got to see their team win the series in what was, arguably, the best baseball game of all time. It was an honor for me to be in the stands that night, and then join millions of Chicagoans in celebrating the long-awaited return of the World Series trophy to the friendly confines of Wrigley Field.

The city and people of Chicago will be forever grateful to the 2016 Cubs for reminding us that nothing is impossible if you work hard, and never, ever, ever, ever, ever, give up.

Go Cubs.

A TRUE HERO AMONG US

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

Mr. EMMER of Minnesota. Mr. Speaker, I rise today to recognize a champion in the St. Cloud community, St. Cloud Police Chief Blair Anderson.

Chief Anderson recently received the 2016 Community Hero Award from the Light the Legacy organization for his incredible work strengthening the connection between the police force he

leads and the community that he serves.

Blair Anderson has served in law enforcement for the past 20 years. During his years of service, he has encountered many difficult and even dangerous situations. Most notable of these situations was the brutal attacks at the Crossroads Center Mall this past September.

The attack at the Crossroads Center Mall truly shook our community to the core, and it was the response of leading community members like Chief Anderson whose unwavering dedication to all of our residents allowed all of us to find peace in our daily lives again.

Now, more than ever, our community needs leaders like St. Cloud Police Chief Blair Anderson. It's a great honor to recognize him here today.

STOP CLIMATE CHANGE BEFORE IT IS TOO LATE

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

Mr. PALLONE. Mr. Speaker, according to his transition team, the President-elect's administration will withdraw the United States from the Paris Agreement and scrap the Clean Power Plan because, they claim, it will increase energy bills without any measurable effect on Earth's climate. This is dangerous, shortsighted, and completely inaccurate.

The United States took an important leadership role in making the Paris Agreement happen and should continue to help lead international efforts to combat climate change. The Clean Power Plan is an essential part of the U.S. keeping its end of the bargain.

If the President-elect's administration follows through on its plans to abandon our commitments, the United States and the world will continue to suffer from increasing sea level rise, more frequent and intense natural disasters like Superstorm Sandy, and longer periods of drought, as well as other effects. What it won't do is save coal country jobs, something that the top Senate Republican pretty much admitted last week.

As President Obama said, the President-elect's administration should carry on the tradition of honoring our international agreements, and I urge him and his team to continue the efforts begun by President Obama to stop climate change before it is too late.

FOREST PARK ELEMENTARY SCHOOL

(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 to recognize Forest Park Elementary School for over 100 years of success in central Arkansas. Built in 1913, Forest Park offers a variety of educational clubs and experiences that support life skills and encourage teamwork, good sportsmanship and academic growth.

I loved my elementary school years at Forest Park, and I am happy that my children enjoyed a fine experience in those halls as well.

Located in the heart of Little Rock, Forest Park is led by Principal Theresa Courtney-Ketcher and serves 460 students in pre-K through fifth grade.

During the 2013–2014 school year, Forest Park was recognized as a National Blue Ribbon School of Excellence by the U.S. Department of Education. This school is consistently a top ranked elementary school in Arkansas.

I would like to extend my congratulations to Principal Courtney-Ketcher, Forest Park Elementary and its faculty, and wish it much continued success in the generations to come.

POLL: AMERICANS SEE LIBERAL MEDIA BIAS

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

Mr. SMITH of Texas. Mr. Speaker, unfortunately, these last few months have demonstrated how far the national media will go to promote a liberal agenda. Polls continue to show Americans' trust in the media is at an all-time low. Instead of providing objective and fair coverage of the news, the media provided one-sided stories that further damaged their credibility.

A recent Suffolk University/USA Today poll found that, by a nearly 10-to-1 ratio, Americans believe that the major newspapers and TV stations favored the Democratic candidate for President over the Republican candidate. Americans of all political affiliations know that the national media strongly leans to the left. Unfortunately, it has leaned too far for too long and has fallen off the credibility cliff.

We need to remind the media of their profound obligation to provide the American people with the facts, not tell them what to think.

AMERICA'S HISTORIC VICTORY AT THE BALLOT BOX

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

Mr. BABIN. Mr. Speaker, I rise today to congratulate President-elect Donald Trump, Vice President-elect Mike Pence, but most importantly, the American people on a historic victory at the ballot box.

Make no mistake, this election was a resounding rejection of the status quo in Washington, a revolution at the ballot box. The American people are sick and tired of open borders, runaway Federal agencies, unconstitutional executive orders, a weak foreign policy, a sluggish economy, and a Federal Government that simply no longer listens to them.

Now, under President-elect Trump and a Republican Congress, we have the opportunity to change that and achieve bold new steps that will put America on the path to a more secure and prosperous country.

I look forward to working closely with the Trump-Pence administration to help advance these goals, and a conservative agenda that rebuilds our military, secures our borders, ends the failed ObamaCare experiment, creates jobs, and protects the unborn.

Mr. Speaker, the American people have spoken loud and clear, and it is now time that we turn this historic moment into action.

REMEMBERING DR. BILL LEHMANN

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

Mr. FARENTHOLD. Mr. Speaker, on Veterans Day, I attended Port Aransas High School Veterans Day ceremony honoring Port Aransas veterans. This year's event was renamed to remember its founder, Dr. Bill Lehmann, who passed away earlier this year at 91.

During World War II, Dr. Lehmann served in the Army stateside, selling war bonds and working at a POW camp. After the war, he earned his master's degree and Ph.D. in physics, and began a 30-year career in the Air Force Civil Service. He rose quickly in the ranks, becoming director of the Air Force Office of Scientific Research and, later, chief of the Air Force Weapons Laboratory, the first civilian to hold this job.

Lehmann focused his energy on community service when he retired in Port Aransas in 1992. He was an active member of the Port Aransas Rotary Club, where he was honored as Rotarian of the Year in 2013. He also founded the annual Veterans Day ceremony at the school in the early nineties, growing it from a small event to a gymnasium full of people packed with hundreds of veterans, students, and community members. Dr. Lehmann created a fantastic legacy that will impact the Port Aransas community for years to come.

To Dr. Lehmann and his family, and to all veterans, thank you for your service, and God bless you all.

□ 1215

APPLAUDING 2016 WORLD SERIES CHAMPIONS, THE CHICAGO CUBS

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

Mr. LAHOOD. Mr. Speaker, I rise today to applaud the 2016 World Series champions, the Chicago Cubs, and to congratulate back-to-back World Series MVP, Ben Zobrist.

As the switch-hitting, utility player for the Cubs, Zobrist played a crucial role in bringing his team to victory. At

the top of the 10th inning in Game 7 of the World Series, Zobrist roped an RBI double giving the Cubs the decisive run in the 8–7 victory that won their team its first World Series championship since 1908.

Ben Zobrist is a native of Eureka, Illinois, located in my congressional district. The four-sport Eureka High School athlete went on to play baseball at Dallas Baptist University before launching his major league career.

More admirable than his talent is his character. In Major League Baseball, Zobrist has represented the sport with true midwestern values. Ben is both a devout man of faith and a family man devoted to his wife and three children. Ben Zobrist's commitment to God, family, and baseball make him not just a hero for his hometown of Eureka, Illinois, but a man that all of America can respect and admire.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

URGING RESPECT FOR THE CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF THE CONGO

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 780) urging respect for the constitution of the Democratic Republic of the Congo in the democratic transition of power in 2016, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 780

Whereas given its size, location, and diverse economy, the United States has deep interests in the democratic stability of the Democratic Republic of the Congo (DRC);

Whereas from 1996 to 2006, more than 3,000,000 people died in the DRC as a result of internal and regional wars, and significant violence persists in the Eastern Congo;

Whereas a root cause of these conflicts was the decay of the undemocratic and corrupt regime of President Mobutu Sese Seko;

Whereas in 2002 the United States, working with African and European partners, helped facilitate a Congo peace accord that included a democratic transition and free elections under a new constitution limiting the President to two terms by an unamendable provision and providing for the President of the Senate to assume power temporarily until elections can be held once a Presidential vacancy is declared;

Whereas in 2006 Joseph Kabila was elected President in what was widely viewed as a free and fair election, but many respected international observers concluded that his 2011 election ''victory'' was ''not credible'';

Whereas President Kabila's second term will end on December 19, 2016, after which his government can no longer be considered the constitutionally legitimate representative of the Congolese people;

Whereas President Kabila has yet to declare unequivocally and publicly that he will step down at the end of his term, as required by the constitution, causing growing political tension, unrest, and violence across the country;

Whereas during the summer of 2014, President Kabila tried unsuccessfully to persuade parliament to change the constitution to open the way for his continuation in power after his term expires on December 19, 2016, and subsequently attempted to pass a law requiring a multiyear census in advance of the Presidential election—an effort that was dropped in January 2015 after mass demonstrations in which Kabila's security forces killed at least 42 people and arbitrarily jailed hundreds;

Whereas since January 2015, in further steps to undermine democratic processes and institutions, Congolese security and intelligence officials have clamped down on peaceful activists, political leaders, and others who oppose President Kabila's effort to stay in power past his constitutionally mandated two-term limit;

Whereas since January 2015 President Kabila has continually used administrative and technical means to try to delay the Presidential election (including an overloaded, unfeasible multielection calendar, failure to pass timely election laws and release authorized election budgets, abruptly implementing the division of the country's provinces, and having his ''Independent National Election Commission'' recently declare that it will take 16 months to update the voter roll);

Whereas the broad national dialogue convened by President Kabila served as another means of justifying a delay of the scheduled November 2016 elections despite the widespread withdrawal of participation by opposition parties and church leaders;

Whereas President Obama spoke with President Kabila on March 15, 2015, and ''emphasized the importance of timely, credible, and peaceful elections that respect the DRC's constitution and protect the rights of all DRC citizens'';

Whereas President Kabila is calling for a broad national dialogue that could be used to confuse the election issue and serve as yet another means of delaying the scheduled November 2016 elections;

Whereas international and domestic human rights groups continually report on the worsening of the situation with regard to human rights in the DRC, including the use of excessive force against peaceful demonstrators and an increase in politically motivated trials and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has registered more than 260 human rights violations, mainly against political opponents, civil society, and journalists during the past year;

Whereas the DRC retains a relatively vibrant civil society that is exerting pressure on the government, and is at risk of being stamped out due to government repression consistent with President Kabila's attempt to remain in power;

Whereas leaders of Congo's main opposition parties, nongovernmental organizations, and prodemocracy youth movements called on Congolese citizens to stay home from work and school on February 16, 2016, for ''Ville Morte (Dead City Day)'' largely to protest against delays in organizing Presidential elections;

Whereas the strike was largely successful in major Congolese cities despite government detentions and threats;

Whereas, on March 10, 2016, the European Union Parliament adopted a resolution that urged the European Union to ''use all its diplomatic and economic tools'' in favor of ''compliance with the constitution of the DRC'' and invited African Union member states to also become engaged in the effort to advance this goal;

Whereas the European Union Parliament resolution also called upon the European Union ''to consider imposing targeted sanctions, including travel bans and asset freezes, so as to help prevent further violence'';

Whereas, on March 30, 2016, the United Nations Security Council unanimously adopted Resolution 2277, expressing ''deep concern'' about ''delays in the Presidential election'' and ''increased restriction of the political space in the DRC'' and calling for ''ensuring the successful and timely holding'' of Presidential and legislative elections ''in accordance with the Constitution'';

Whereas, on June 23, 2016, the U.S. Department of the Treasury's Office of Foreign Assets Control sanctioned General Celestin Kanyama of the Congolese National Police for his role in targeting of civilian protestors;

Whereas, on September 28, 2016, the U.S. Department of the Treasury's Office of Foreign Assets Control sanctioned Major General Gabriel Amisi Kumba and General John Numbi for leading an armed group that has threatened the stability of the DRC and violently suppressing political opposition, respectively;

Whereas the DRC's Independent National Electoral Commission and the Constitutional Court have validated the indefinite postponement of the scheduled November 2016 elections; and

Whereas the Kabila government has stated that the elections may now take place as late as 2018, potentially extending his mandate by as much as two years: Now, therefore, be it

Resolved, That—

(1) under Executive Order 13413, as amended by Executive Order 13671, in coordination to the maximum extent possible with its African and European partners, the United States should impose sanctions on government officials of the Democratic Republic of the Congo (DRC) who impede progress toward a peaceful democratic transition through credible elections that respect the will of the people of the DRC;

(2) sanctions should target core figures in the government of President Kabila for visa denials and for asset freezes because of actions that ''undermine democratic processes or institutions'';

(3) economic and security assistance provided to the DRC government should be reviewed for possible termination, while preserving other, particularly humanitarian, assistance through nongovernmental and international organizations, and review future international financial institution assistance to the DRC until the election crisis is resolved;

(4) the President should lift sanctions only when the President determines that—

(A) President Kabila has unequivocally and publicly declared that, in accordance with the constitution, he will not remain in power once his term ends on December 19, 2016, has made verifiable progress on the ground towards holding timely free and fair national elections in accordance with the constitution, and has demonstrably opened the necessary political space for the opposition and civil society; or

(B) the DRC has held a free and fair Presidential election as provided by the constitution and a new President has been sworn in;

(5) if President Kabila's government meets the condition specified in paragraph (4)(A), the United States should join other donors in helping to support election preparedness, including voter registration and supporting a level playing field for campaign activities by diverse political parties;

(6) the United States Government should support independent DRC civil society organizations and media to more effectively monitor efforts to undermine democracy and governance;

(7) the United States Government should use authorities under subchapter II of chapter 53 of title 31, United States Code, chapter X of title 31, Code of Federal Regulations, and the section 1956 of title 18, United States Code, to investigate and target money laundering activities, specifically related to the diversion of proceeds of corruption, by key figures close to President Kabila;

(8) these authorities should be employed to target the financial institutions facilitating money laundering by these figures as well as to pressure the jurisdictions in which they are located to monitor this activity and take enforcement action as appropriate; and

(9) the United States should coordinate these efforts with key Western and African partners, including through other financial intelligence units.

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.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H. Res. 780. I would like to recognize Chairman SMITH and Ranking Member BASS of the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee for their continued focus on the continuing crisis in the Democratic Republic of the Congo, and I would like to recognize our ranking member, Mr. ELIOT ENGEL, as well, because, Mr. Speaker, Congo is facing a constitutional crisis that is putting lives and regional stability at risk.

I have been to the Congo on three occasions, most recently last year, and we have pressed this issue repeatedly, and sadly, Congo, having historically suffered some of the world's longest and most brutal wars, is all too familiar with violence. Now, while the Congolese people are trying to chart a new path for their country, government leaders are maneuvering to maintain their grip on power in violation of the country's constitution.

Congo's constitution is very clear—the transfer of power must happen on December 19 of this year and the President is limited there to two terms. But President Kabila—in power now for over 15 years—is stonewalling the election process to get around the constitution. Allowing this crooked plan to proceed without any consequences would set a terrible precedent for democracy and governance throughout the region.

President Kabila has shown that he is willing to carry out this plan by any means necessary. Anyone who interferes—opposition figures, human rights leaders, peaceful protesters, civil society, the media—risks arbitrary arrest, and they risk death. More than 50 people were killed in a 2-day government crackdown in September.

But throughout, the Congolese people have made it clear that they want elections—with the vast majority of Congolese opposed to amending the constitution to allow Mr. Kabila to extend his term. They are determined to express their will at the ballot box. This resolution puts the House on record supporting the Congolese people in their desire for a peaceful political transition.

Mr. Speaker, the House is considering this resolution at a very crucial time. If no clear plan is established for a peaceful transition of power in the coming weeks, analysts fear wide scale instability and violence. We are already seeing that instability today, and that is threatening to send the international investment that has recently returned to the country away.

The Obama administration has recognized the severity of this crisis, establishing an executive order which targets those DRC leaders who impede the democratic transition with sanctions. This resolution welcomes those sanctions, but also encourages the administration to look at other sanctionable offenses like corruption and money laundering.

The political elites in Congo have long pillaged the country's vast natural resources for their personal enrichment. Putting that wealth at risk might make them think twice about also undermining democracy. That is the kind of leverage that this resolution intends to encourage.

Moreover, the resolution recommends that assistance which is nonhumanitarian—we want the humanitarian assistance to continue, but nonhumanitarian assistance could potentially be cut if the Congolese Government does not change course and does not allow democracy to move forward. The U.S. needs to use any and all leverage it has to use this opportunity to push for timely elections in the Democratic Republic of the Congo.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 15, 2016.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing concerning House Resolution 780, urging respect for the constitution of the Democratic Republic of the Congo.

As a result of your having consulted with the Committee on Financial Services concerning provisions in the measure that fall within our Rule X jurisdiction, I agree to forgo action on the measure so that it may proceed expeditiously to the House Floor. The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of H. Res. 780 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or a similar measure moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H. Res. 780 and would ask that a copy of our exchange of letters on this matter be placed in the Congressional Record during floor consideration thereof.

Sincerely,

JEB HENSARLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 14, 2016.

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of House Resolution 780, urging respect for the constitution of the Democratic Republic of the Congo, so that the measure may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future.

I will seek to place our letters on H. Res. 780 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I write with respect to H. Res. 780, a resolution urging respect for the constitution of the Democratic Republic of the Congo in the democratic transition of power in 2016, which was referred to the Committee on Foreign Affairs and in addition to the Committee on the Judiciary and the Committee on Financial Services. As a result of your having consulted with us on provisions within H. Res. 780 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our committee from further consideration of this resolution so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H. Res. 780 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this

resolution or similar legislation moves forward so that we may address any remaining issues in our jurisdiction.

I would appreciate a response to this letter confirming this understanding with respect to H. Res. 780 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. Res. 780.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 14, 2016.

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

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of House Resolution 780, urging respect for the constitution of the Democratic Republic of the Congo, so that the measure may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future.

I will seek to place our letters on H. Res. 780 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

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

Mr. Speaker, I rise in support of this measure.

Let me start by thanking our chairman of the Foreign Affairs Committee, Mr. ROYCE, for his leadership. I had the good occasion to travel with him to Congo last year, and we pushed very, very hard on the fact that we believe democracy needs to be carried out there.

In fact, the President of Congo, who is running for an unprecedented third term, which he is not supposed to do according to their Constitution, opted not to see us because he was angry at the fact that we came to Congo and spoke out so heavily, with one voice I might say, for democratic reforms. That has been the tradition of the Foreign Affairs Committee during the time that Chairman ROYCE has been chairman and I have been ranking member. We speak with one voice on most things, and we are more effective that way.

I think that foreign policy, especially, should be bipartisan and partisanship should stop at the water's edge. So we, personally, the two of us and the colleagues that came with us on the trip, drove that message home to the President of Congo. We met with the Prime Minister, and we didn't mince our words.

So I want to thank Chairman ROYCE for his leadership. I want to thank the chair and ranking member of the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee, Mr. SMITH of New Jersey, and Ms. BASS of California for her hard work in bringing this measure to the floor.

As I mentioned before, Mr. Speaker, in recent months, protesters in the Democratic Republic of the Congo have faced an increasingly violent crackdown at the hands of armed authorities. These people are protesting, again, the illegal third-term grab by the President of Congo. Citizens have been subject to arbitrary arrest, and civil society groups are finding it harder and harder to operate. In just over a month, when President Joseph Kabila's term expires, I fear that this instability will grow even worse.

We want to see democracy thrive and the constitution prevail in the DRC, but we know forces are hard at work to tear that country's democracy down. This resolution sends a message that the United States is watching this situation closely. Those who try to undermine democracy in the Democratic Republic of the Congo won't get a free pass from us.

This measure calls for U.S. sanctions on core government and opposition officials who hinder democratic processes or stand in the way of progress toward a peaceful democratic transition. It calls for sanctions to remain in place until President Kabila declares that he will abide by the constitution and step down on December 19—until there is verifiable progress toward holding a free and fair election and until the opposition and civil society groups are free to operate without interference.

Lastly, this resolution requests that our government support civil society groups and the media so that the DRC citizens and the world have a clear picture of democracy and governance.

I am glad to support this timely resolution.

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

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, and author of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend and colleague, the distinguished chairman of the Foreign Affairs Committee, Mr. ROYCE; Ranking Member ELIOT ENGEL; and Ms. BASS, who is the ranking member on the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee, for their strong support for this legislation, H. Res. 780, which seeks to avoid a looming crisis in the Democratic Republic of the Congo, or DRC, by urging respect for the constitution of that country in a peaceful, democratic transition of power.

Mr. Speaker, on November 19—just days from now—the DRC was supposed to hold elections for President and the Parliament. However, after stalling on election preparations for more than a year, the government of President Kabila has used a constitutional loophole to extend his rule despite the opposition of not only political opponents but also his country's citizens.

In a recent poll done in partnership with the Congo Research Group at New York University, President Kabila had less than 8 percent support among his people. U.S. officials believe that he has lost even more support in the months since that poll was taken.

Mr. Speaker, from 1996 to 2006, more than 3 million people died in the DRC, more than 4 million were internally displaced as a result of internal and regional wars, and significant violence persists in eastern Congo today—a place that I have visited. There are now widespread fears that opposition to the extension of Kabila's rule will spark demonstrations that will be met by violence by a government determined to maintain its hold on power. We are facing the real danger that the DRC—a nation that borders on nine of its neighbors and which makes vital contributions to the global economy—could be thrown into a level of chaos that will have an adverse impact not just within its borders but far beyond its borders as well.

□ 1230

President Kabila continues to make every effort to maintain power, even sending delegations abroad to mislead foreign governments on his intention to hold elections at the earliest possible date. His emissaries assured us in September that the scheduled 2016 elections could be held in the summer of 2017 as a result of national dialogue. However, Kabila manipulated this dialogue, which was boycotted by the genuine political opposition, civil society, and DRC's churches. The eventual conclusion, if this can be believed, was that the elections would be held in late 2018, about 2 years from now.

However, the constitution, which prevents Kabila from running for a third term or changing the constitution to achieve that goal, will be broken if he manages to extend his rule. Even as he interprets the constitution to allow him to continue in office, the constitution makes no provision for parliament to continue to operate. So when the current DRC Government mandate expires on December 19, President Kabila will rule his country with no restraint and no checks or balances from a legislative body.

H. Res. 780 acknowledges the various efforts to frustrate DRC's constitution and democratic process and calls for the Obama administration to levy targeted sanctions on government officials who have acted to prevent free and fair elections from taking place.

The administration has placed some sanctions on some officials, but the pace and scope of sanctions need to match the urgency of the approaching electoral crisis. The leadership of the Foreign Relations Committee, the Africa, Global Health, Global Human

Rights, and International Organizations Subcommittee, and the full Foreign Affairs Committee have sent a letter to President Obama urging him to widen the targets, and we recommended that a couple of weeks ago.

Finally, Mr. Speaker, time is running out for our government to make the strongest possible statements to the Kabila government to achieve a peaceful, democratic resolution to the crisis that they face. I urge my colleagues to support the resolution.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. BASS), the ranking member of the Africa, Global Health, Global Human Rights, and International Organizations Subcommittee.

Ms. BASS. Mr. Speaker, let me thank my colleagues—Mr. SMITH, Mr. ROYCE, and Mr. ENGEL—for their leadership on this resolution.

I rise in support of H. Res. 780, urging respect for the constitution of the Democratic Republic of the Congo in its democratic transition of power in 2016.

Simply stated, the resolution calls for the United States' President to use targeted sanctions to address the blatant disrespect for the people in the constitution of the Democratic Republic of the Congo, as evidenced by the current President of that country, Joseph Kabila. By supporting this critical resolution, we are helping to support the constitutional rights of the citizens of the DRC.

This massive and extraordinarily mineral-rich country is home to approximately 80 million people. Were it not for the consistent absence of democratic and economic good governance, this beautiful country would serve more fittingly as the economic center of gravity for sub-Saharan Africa's Central Africa region, as opposed to being seen at the center of political impunity, increasing human rights concerns, and predictable intraregional tensions.

The violence of the last decade has adversely affected not only the economically dynamic and creative culture of the DRC, but arguably affected those countries in the immediate region, such as South Sudan, the Republic of the Congo, the Central African Republic, Rwanda, and Burundi. Despite a long history of authoritarian leadership of President Mobutu, a regime, unfortunately, that we supported, we know that the majority of the people of the DRC support a growing and empowered civil society.

Over the past year, the country's expanding civil society successfully orchestrated a series of civic actions in support of constitutionally legislated elections scheduled for this December. For his part, President Kabila has used the past year to attempt, systematically, to undermine the persistent efforts of civil society and opposition parties in support of presidential elections.

While President Kabila's intention is to secure an extension of his presidential term and delay scheduled elections, the purpose of the resolution is to help prevent the impunity demonstrated by President Kabila and some DRC officials. The resolution calls for the President, working with African and European partners, to use Executive Order 13413, as amended, to deny visas, freeze assets of the implicated officials, and monitor economic and security assistance for the country until the election crisis is resolved. H. Res. 780 is a critical piece of legislation drafted to address a crucial situation in the DRC.

Once again, I thank the subcommittee chairman, CHRIS SMITH, for his leadership on this issue.

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

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

In closing, the situation simmering right now in the Democratic Republic of the Congo is such a good example of why the United States can never retreat from our role on the world stage. This is a situation that doesn't touch most Americans directly, so why should we be focused on it, some might wonder. Because anytime and anywhere democracy is under threat, it makes the world a little less safe, it makes regions a little less stable, and it makes populations a little more vulnerable.

Standing up for democracy in the Democratic Republic of the Congo—or anyplace else, for that matter—isn't just good for the people of that country, it is good for all of us. It helps advance American values and American interests. We believe in democracy. And it helps when other countries practice what they preach.

So when people on the ground are fighting for democracy, demanding transparency of their leaders, and trying to make their societies more open and inclusive, we are going to have their backs, and it is what we should be doing. That is what the U.S. does. That is what our values demand. That is what it means to be the global standard bearer for freedom and democracy.

I am glad to support this measure. I again thank Chairman ROYCE for his leadership, Mr. SMITH, and Ms. BASS. I urge all Members to do the same.

I yield back the balance of my time.

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

I want to thank Representative SMITH for introducing this important measure and for being a longtime champion on African issues.

I again want to thank Mr. ELIOT ENGEL for his forceful communication when we were in Congo on that issue. Frankly, we have had the opportunity to talk to Joseph Kabila in the past. He wouldn't meet with us on this trip, although we were able to meet with the other representatives of the government, as Mr. ENGEL has laid out.

But if I could talk to Joseph Kabila, what I would share with him is that we should not forget that Nelson Mandela made that decision himself to step down after a single term—after a single term—despite his immense popularity as President. And far from ending his career, his decision represented a transition toward continentwide public service. He became the mediator in African conflicts. He became a prominent voice on health and other issues.

Mr. Speaker, you have seen this as well.

I think that President Mandela's choice to step down just as much as his personal struggle, the personal struggle that Nelson Mandela went through, the combination of those two factors is what allowed him to continue to exert strong moral and diplomatic influence not only in his home country, but across Africa and across the world. If Joseph Kabila would reflect on that by way of example—because, tragically, too many leaders around this globe have failed to heed the wisdom of Nelson Mandela and other staged statesmen of different places and different times, but in this country we go back to George Washington—the result of heeding that, the result of violating the law in one's country, the result of clinging on to power when the constitution says no and canceling elections when the constitution calls for those elections, is to result in negative consequences not just for the government and the people, but, frankly, negative consequences for their own standing as human beings as well.

So there is that possibility for President Kabila to move forward, to do the right thing. That is what we call upon him to do. That is our request. It is not too late for President Kabila and the Democratic Republic of the Congo to change course. This resolution supports those seeking an orderly transfer of power in this important country on the African continent.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H. Res. 780, "Urging Respect for the Constitution of the Democratic Republic of Congo in the Democratic Transition of Power in 2016."

H. Res. 780 encourages the United States Government to impose sanctions on government officials of the Democratic Republic of Congo who continue to violate the civil rights of the Congolese people.

The right to free and fair elections is a crucial element of any democracy.

When the right to vote is curtailed, democracy cannot flourish.

The constitution of the Democratic Republic of Congo, guarantees to its citizens the right to vote and the right to choose their leaders in a free and open election.

The current president of the. DRC, Joseph Kabila, succeeded his father in 2001, following his assassination.

The highest court in the nation determined that if elections are delayed then President Kabila could remain in power until elections are held.

President Kabila's term ends in December, and elections were set for November.

Unable to constitutionally seek a third term, President Kabila and his officials are delaying

elections, citing financial problems, as a way to retain power.

His decision not to hold elections has led to political turmoil, violence and the death of dozens of people.

Human Rights Watch reported that at least 44 people have died during political demonstrations.

The Constitution was adopted to avoid the troubling onslaught of violence occurring in the Democratic Republic of Congo, which, in its 56 years since independence, has never experienced a peaceful transition of power.

Wherever there is a threat to freedom and democracy, it is the tradition of the United States to assist, to the furthest possible extent, freedom loving people in achieving their democratic aspirations.

President Joseph Kabila and other government officials have violated the rights of the Congolese people, and the law of the Democratic Republic of Congo.

For these reasons, I support the sanctions taken by the Administration to correct these violations, and I support H. Res. 780.

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 agree to the resolution, H. Res. 780, as amended.

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.

WOMEN, PEACE, AND SECURITY ACT OF 2016

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5332) to ensure that the United States promotes the meaningful participation of women in mediation and negotiations processes seeking to prevent, mitigate, or resolve violent conflict, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5332

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 ''Women, Peace, and Security Act of 2016''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Around the world, women remain under-represented in conflict prevention, conflict resolution, and post-conflict peace building efforts.

(2) Despite the historic under-representation of women in conflict resolution processes, women in conflict-affected regions have nevertheless achieved significant success in—

(A) moderating violent extremism;

(B) countering terrorism;

(C) resolving disputes through nonviolent mediation and negotiation; and

(D) stabilizing societies by enhancing the effectiveness of security services, peacekeeping efforts, institutions, and decision-making processes.

(3) Research shows that—

(A) peace negotiations are more likely to end in a peace agreement when women's groups play an influential role in the negotiation process;

(B) once reached, a peace agreement is 35 percent more likely to last at least 15 years if women have participated in the negotiation process; and

(C) when women meaningfully participate, peace negotiations are more likely to address the underlying causes of the conflict, leading to more sustainable outcomes.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the meaningful participation of women in conflict prevention and conflict resolution processes helps to promote more inclusive and democratic societies and is critical to the long-term stability of countries and regions;

(2) the political participation and leadership of women in fragile environments, particularly during democratic transitions, is critical to sustaining lasting democratic institutions; and

(3) the United States should be a global leader in promoting the meaningful participation of women in conflict prevention, management, and resolution, and post-conflict relief and recovery efforts.

SEC. 4. STATEMENT OF POLICY.

It shall be the policy of the United States to promote the meaningful participation of women in all aspects of conflict prevention, management, and resolution, and post-conflict relief and recovery efforts, reinforced through diplomatic efforts and programs that—

(1) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(2) encourage partner governments to adopt plans to improve the meaningful participation of women in peace and security processes and decision-making institutions;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support the equal access of women to aid distribution mechanisms and services;

(5) collect and analyze gender data for the purpose of developing and enhancing early warning systems of conflict and violence;

(6) adjust policies and programs to improve outcomes in gender equality and the empowerment of women; and

(7) monitor, analyze, and evaluate the efforts related to each strategy submitted under section 5 and the impact of such efforts.

SEC. 5. UNITED STATES STRATEGY TO PROMOTE THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) REQUIREMENT.—Not later than October 1, 2017, October 1, 2022, and October 1, 2027, the President, in consultation with the heads of the relevant Federal departments and agencies, shall submit to the appropriate congressional committees and make publicly available a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed description of how the United States intends to fulfill the policy objectives in section 4. The strategy shall—

(1) support and be aligned with plans developed by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decision-making institutions; and

(2) include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans, to ensure the accountability and effectiveness of all policies and initiatives carried out under the strategy.

(b) SPECIFIC PLANS FOR AGENCIES.—Each strategy under subsection (a) shall include a specific implementation plan from each of the relevant Federal departments and agencies that describes—

(1) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(2) the efforts of the department or agency to ensure that the policies and initiatives carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(c) DEPARTMENT OF STATE IMPLEMENTATION.—Within each relevant bureau of the Department of State, the Secretary of State shall task the current Principal Deputy Assistant Secretary with the responsibility for the implementation of the strategy under subsection (a) and the specific implementation plan for the Department under subsection (b), with respect to the roles and responsibilities of such bureau. The Principal Deputy Assistant Secretaries tasked with such responsibility shall meet, at least twice a year, to review the implementation of the strategy and the plan and to contribute to the report under section 8(b).

(d) COORDINATION.—The President should promote the meaningful participation of women in conflict prevention, in coordination and consultation with international partners, including multilateral organizations, stakeholders, and other relevant international organizations, particularly in situations in which the direct engagement of the United States is not appropriate or advisable.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the President, in implementing each strategy submitted under subsection (a), should—

(1) provide technical assistance, training, and logistical support to female negotiators, mediators, peace builders, and stakeholders;

(2) address security-related barriers to the meaningful participation of women;

(3) increase the participation of women in existing programs funded by the United States Government that provide training to foreign nationals regarding law enforcement, the rule of law, or professional military education;

(4) support appropriate local organizations, especially women's peace building organizations;

(5) support the training, education, and mobilization of men and boys as partners in support of the meaningful participation of women;

(6) encourage the development of transitional justice and accountability mechanisms that are inclusive of the experiences and perspectives of women and girls;

(7) expand and apply gender analysis to improve program design and targeting; and

(8) conduct assessments that include the perspectives of women before implementing any new initiatives in support of peace negotiations, transitional justice and accountability, efforts to counter violent extremism, or security sector reform.

SEC. 6. TRAINING REQUIREMENTS REGARDING THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) FOREIGN SERVICE.—The Secretary of State, in conjunction with the Administrator of the United States Agency for International Development, shall ensure that all appropriate personnel (including special envoys, members of mediation or negotiation teams, relevant members of the civil service or Foreign Service, and contractors) responsible for or deploying to countries or regions

considered to be at risk of, undergoing, or emerging from violent conflict obtain training, as appropriate, in the following areas, each of which shall include a focus on women and ensuring meaningful participation by women:

(1) Conflict prevention, mitigation, and resolution.

(2) Protecting civilians from violence, exploitation, and trafficking in persons.

(3) International human rights law and international humanitarian law.

(b) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that relevant personnel receive training, as appropriate, in the following areas:

(1) Training in conflict prevention, peace processes, mitigation, resolution, and security initiatives that specifically addresses the importance of meaningful participation by women.

(2) Gender considerations and meaningful participation by women, including training regarding—

(A) international human rights law and international humanitarian law, as relevant; and

(B) protecting civilians from violence, exploitation, and trafficking in persons.

(3) Effective strategies and best practices for ensuring meaningful participation by women.

SEC. 7. CONSULTATION AND COLLABORATION.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development shall establish guidelines for overseas United States personnel of the Department or the Agency, as the case may be, to consult with stakeholders regarding United States efforts to—

(1) prevent, mitigate, or resolve violent conflict; and

(2) enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women.

(b) FREQUENCY AND SCOPE.—The consultations required under subsection (a) shall take place regularly and include a range and representative sample of stakeholders, including local women, youth, ethnic and religious minorities, and other politically under-represented or marginalized populations.

(c) COLLABORATION AND COORDINATION.—The Secretary of State should work with international, regional, national, and local organizations to increase the meaningful participation of women in international peacekeeping operations, and should promote training that provides international peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful participation of women in conflict prevention and peace building.

SEC. 8. REPORTS TO CONGRESS.

(a) BRIEFING.—The Secretary of State, in conjunction with the Administrator of the United States Agency for International Development and the Secretary of Defense, shall brief the appropriate congressional committees, not later than one year after the date of the first submission of a strategy required under section 5, on—

(1) existing, enhanced, and newly established training carried out pursuant to section 6; and

(2) the guidelines established for overseas United States personnel to engage in consultations with stakeholders, pursuant to section 7.

(b) REPORT ON WOMEN, PEACE, AND SECURITY STRATEGY.—Not later than two years after the date of the submission of each strategy required under section 5, the President shall submit to the appropriate congressional committees a report that—

(1) summarizes and evaluates the implementation of such strategy and the impact of United States diplomatic efforts and foreign assistance programs, projects, and activities to promote the meaningful participation of women;

(2) describes the nature and extent of the coordination among the relevant Federal departments and agencies on the implementation of such strategy;

(3) outlines the monitoring and evaluation tools, mechanisms, and common indicators to assess progress made on the policy objectives in section 4; and

(4) describes the existing, enhanced, and newly established training carried out pursuant to section 6.

SEC. 9. DEFINITIONS.

In this Act:

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

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) STAKEHOLDERS.—The term ''stakeholders'' means non-governmental and private sector entities engaged in or affected by conflict prevention and stabilization, peace building, protection, security, transition initiatives, humanitarian response, or related efforts, including—

(A) registered or non-registered nonprofit organizations, advocacy groups, business or trade associations, labor unions, cooperatives, credit unions, relief or development organizations, community and faith-based organizations, philanthropic foundations, and tribal leaders or structures;

(B) independent media, educational, or research institutions; and

(C) private enterprises, including international development firms, banks, and other financial institutions, particularly small businesses and businesses owned by women or disadvantaged groups.

(3) MEANINGFUL PARTICIPATION.—The term ''meaningful participation'' means safe, genuine, and effective access to, and present and active involvement in the full range of formal or informal processes related to negotiation or mediation with respect to any efforts toward the following:

(A) Conflict prevention.

(B) Resolution or mitigation of, or transition from, violent conflict.

(C) Peacekeeping and peace building.

(D) Post-conflict reconstruction, transition initiatives, elections, and governance.

(E) Humanitarian response and recovery.

(4) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means—

(A) the United States Agency for International Development;

(B) the Department of State;

(C) the Department of Defense;

(D) the Department of Homeland Security; and

(E) any other department or agency specified by the President for purposes 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 any extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in support of this measure. This is the Women, Peace, and Security Act of 2016. It is H.R. 5332.

I want to recognize Representative KRISTI NOEM and Representative JAN SCHAKOWSKY for their bipartisan leadership on this measure and, of course, Ranking Member ENGEL for his important work on it.

Earlier this year, the Foreign Affairs Committee held a hearing. This was part of our series on women in foreign affairs, where we heard powerful testimony about the importance of including women in peace processes around the world. We heard from those who had been engaged, including the powerful voice of one who had helped bring about the peace process in Northern Ireland.

It may seem obvious that women should have an opportunity to represent their communities as a matter of right—they make up half of the population. And what negotiation, what agreement, can claim to represent women if their participation is barred.

Our hearing also emphasized another fact, and that is why women's participation in peace processes is important if we care about the likelihood of the success of that process. Simply put, when women are at the negotiating table, peace is more likely.

Why would that be? Because research shows that a peace agreement is more likely to be reached—in fact, 35 percent more likely to last at least 15 years—when women are involved. When you consider that historically half of all peace agreements fail—and they fail within the first 5 years—women's involvement becomes imperative. Think about the lives saved and the economies maintained by a 35 percent decrease in repeated conflicts.

Mr. Speaker, from Liberia to Northern Ireland, we have watched women play pivotal roles in that effort of reaching out to governments, lobbying governments, impressing the combatants, and pushing politicians to end a conflict.

□ 1245

Women peacemakers often press warring parties to move beyond mere power-sharing agreements that benefit only a small percentage of fighters and, instead, shift that ground, debate over a comprehensive and longer term accord, and reach those accords that benefit the full civilian population as a whole. Once an agreement is reached, these women can play a critical role in building support within the communities, and that is why the legislation before us today is so important. This bill recognizes the fact that it is in our

national interest to promote women's participation in resolving conflicts globally, and it requires a government-wide strategy—an effort—to advance this goal.

In 2011, the administration issued a National Action Plan on Women, Peace, and Security. Recently, it published its update, H.R. 5332. This bill, which is the result of our work and the result of the authors' work, builds on this effort by requiring specific goals and benchmarks for women's participation, along with the regular reporting to Congress so as to gauge progress. The bill also requires that appropriate State Department and USAID and Defense Department personnel receive training on how to facilitate women's participation in conflict resolution, in security initiatives, and in efforts to protect civilians from violence and exploitation. Then it pushes this concept and gets them into the effort to do so.

I urge all Members to support its passage.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 2, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 5332, the Women, Peace, and Security Act of 2016, as amended, which has been referred to the Committee on Armed Services. I am writing to confirm that, although there are certain provisions in the bill that fall within the Rule X jurisdiction of the Committee on Armed Services, the committee will forgo action on this bill in order to expedite this legislation for floor consideration.

I am glad we agree that forgoing consideration of the bill does not prejudice the Committee on Armed Services with respect to any future jurisdictional claim over the provisions contained in the bill or similar legislation that fall within the committee's Rule X jurisdiction. I request you urge the Speaker to appoint members of the committee to any conference committee convened to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 5332 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,
WILLIAM M. ''MAC'' THORNBERRY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 3, 2016.

Hon. WILLIAM M. ''MAC'' THORNBERRY,
Chairman, House Armed Services Committee, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for consulting with the Committee on Foreign Affairs on H.R. 5332, the Women, Peace, and Security Act of 2016, and for agreeing to be discharged from further consideration of that bill.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on Armed Services, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 5332 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with your Committee as this measure moves through the legislative process.

Sincerely,
EDWARD R. ROYCE,
Chairman.

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

I rise in support of this measure.

Again, let me first thank our chairman, ED ROYCE, for helping to advance this bill. I thank the bill's authors: Representative NOEM and Representative SCHAKOWSKY. Representative SCHAKOWSKY, especially, has been focusing for years on the vulnerabilities that face women and girls in conflicts and on the unique role in which women can play in working to build peace. Ms. SCHAKOWSKY has been spending a great deal of her time in representing issues such as the one in this bill. In fact, she was the first one who told me about the bill and what they were doing in terms of putting it together; so I really want to commend her.

It has been nearly 5 years, Mr. Speaker, since the Obama administration unveiled the National Action Plan on Women, Peace, and Security. The idea at the center of the strategy is the importance of women in their helping to prevent and resolve conflicts. Thanks to the administration's efforts, the U.S. has worked to include women in conflict prevention, negotiation, and resolution. We have promoted efforts to enhance the physical and economic security of women around the world, and we have sought to break through the barriers that have stopped women from being full participants in peace processes. We haven't taken these steps on a hunch. Research has shown that peace negotiations are more likely to succeed when women have influential positions in the negotiation process.

The bill we are considering would make these policies permanent. It would build on what the Obama administration has accomplished by making sure State Department, USAID, and Pentagon personnel are fully trained on the unique strengths that women bring to conflict prevention and resolution. It would also require annual reporting so that Congress can stay apprised of these efforts. I think making this strategy permanent is absolutely imperative. After all, even though the administration and bipartisan leadership in Congress have seen the value of this approach, we have no idea how future administrations and Presidents and Congresses will view women or if they will fully appreciate how women's participation can make our foreign policies stronger.

I am pleased to support this measure, and I urge all of my colleagues to do the same.

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

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentlewoman from South Dakota (Mrs. NOEM), the author of this bill.

Mrs. NOEM. I, personally, thank the chairman for considering this important bill, and I thank Representative SCHAKOWSKY for being willing to pursue policies such as this and get them signed into statute. That is the only way we can really be assured that they will continue into the future.

Mr. Speaker, I rise in support of H.R. 5332, the Women, Peace, and Security Act. I introduced this bill with Representative SCHAKOWSKY to increase and strengthen women's participation in peace negotiations and in conflict prevention globally.

The threats to our national security are troubling, and groups like ISIL are determined to destroy us and our system of values. Russia and China are using economic and military forces to expand their global influences. Middle East instability is raising questions as to how the conflict will impact our global economy and America's national security.

With so much occurring, peace negotiations are ongoing. At least one study showed us that, in conflict resolution processes, a peace agreement is 35 percent more likely to last at least 15 years when women are involved. Women can often encourage healthy choices within the home and can advocate for their children's education and welfare. Both of these help ensure greater stability by giving young people opportunity outside of conflict. Their roles in the global economy also help raise countries out of poverty. By bringing these perspectives to the negotiating table, different priorities often emerge, which make peace negotiations much more likely to address a conflict's underlying causes. We have seen this to be true in places like Northern Ireland, Africa, and Asia.

With all of this in mind, I introduced the Women, Peace, and Security Act, along with Representative SCHAKOWSKY, and with Chairman ROYCE's and Ranking Member ENGEL's help. The bipartisan legislation ensures that women have a seat at the table when peace negotiations are ongoing. It makes sure that there is meaningful congressional oversight. This bill builds on existing U.S. initiatives while requiring a focused and long-term strategy with greater congressional oversight. Our legislation will help introduce further accountability. By doing so, I am hopeful that we can provide even greater sustainability outcomes during future conflict resolutions and peace negotiation processes.

I thank the Speaker for considering H.R. 5332, and I urge my colleagues to support the bill.

Mr. ENGEL. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has played such a leading role on these issues.

Ms. SCHAKOWSKY. I thank my colleague for yielding.

Mr. Speaker, I rise in support of H.R. 5332, the Women, Peace, and Security Act.

First, I thank my partner in this effort, Congresswoman KRISTI NOEM, for all of her work in making this day come, as well as to thank Chairman ROYCE, who not only spoke so eloquently about the importance of this legislation, but who helped to make it happen today. I thank Ranking Member ENGEL for his leadership in moving this legislation forward. I am so appreciative.

This is a bipartisan, budget-neutral bill to encourage the participation of women in creating peace. As Congressman ROYCE said, when women are involved in the peace process, negotiations are more likely to end in lasting agreements. He is right in that the International Peace Institute found that a peace agreement is 35 percent more likely to last for at least 15 years if women participate in drafting the agreement. The study also found that, with a 5 percent increase in women's political participation, a nation is five times less likely to use violence when faced with international crisis or conflict. Promoting the participation of women abroad is in our country's strategic interest as it increases stability and economic prosperity. However, women remain underrepresented in conflict prevention, conflict resolution, and post-conflict peace-building efforts around the world.

The Women, Peace, and Security Act is a step toward fixing that imbalance and promoting a more peaceful future. The Women, Peace, and Security Act would, for the very first time, establish women's participation as a permanent element of U.S. foreign policy under congressional oversight. It would also promote greater transparency and accountability in efforts at the Department of Defense and the Department of State. Under the Women, Peace, and Security Act, those departments would report annually to Congress on efforts to actively recruit women and to promote women's participation in conflict prevention and resolution.

The bill would encourage the United States to assist women mediators and negotiators by eliminating barriers to their equal and secure participation in peace processes. In addition, it would institute comprehensive training modules on the protection, rights, and specific needs of women in conflict and would require the administration to evaluate the impact of U.S. foreign assistance on women's meaningful political participation.

The United States plays such a crucial role in promoting peace all over the world. By making women's participation in the peace process a national priority, we will improve national and global security. I am proud to join Congresswoman NOEM in championing this legislation, and I encourage my colleagues to support its passage.

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

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

Once again, I thank Chairman ED ROYCE as well as Representatives NOEM and SCHAKOWSKY for their hard work. This is truly bipartisan and is very good for the country.

This is one of these issues that wouldn't have occurred to many people a generation ago or even a decade ago, but thanks to hard work, research, and innovative thinking, we now know how critical it is that women have a seat at the table when we are working to prevent and resolve conflicts. This bill will help ensure that our foreign policy stays on the cutting edge.

I hope, in the future, we will continue to do the hard work that is needed to drive new ideas in foreign policy and to understand the complexities and sensitivities of our interconnected, global landscape. This isn't kid stuff, and we shouldn't treat it lightly; so I am grateful for the commitment of my colleagues that has helped move this bill forward. I urge a ''yes'' vote.

I yield back the balance of my time.

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

From Syria to Afghanistan to Sudan, armed conflicts are raging all over this globe, and efforts to negotiate their ends are more important now than ever. We know that when women are included in these discussions that we are much more likely to see an enduring peace. As a witness at our hearing on women's participation explained: including women is not only the right thing to do, it is the smart thing to do.

The legislation before us today will strengthen U.S. efforts to promote the inclusion of women in peace negotiations in order to create more sustainable agreements and reduce that likelihood that we have seen over and over and over again of a return to conflict.

I take this moment to thank Representatives NOEM and SCHAKOWSKY for their bipartisan work on this measure. I also want to mention a few staff members who have not only worked on our series of focusing month after month on empowering women in negotiations, but on issues beyond that—human trafficking. I especially want to thank Jessica Kelch, Janice Kaguyutan, Renee Munasifi, and Elizabeth Cunningham. I thank them all for their efforts throughout the years on these issues.

As we close, I really urge all of my colleagues to support this important legislation.

I yield back the balance of my time.

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 pass the bill, H.R. 5332, as amended.

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

The title of the bill was amended so as to read: ''A bill to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.''.

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess.

□ 1538

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DONOVAN) at 3 o'clock and 38 minutes p.m.

CAESAR SYRIA CIVILIAN PROTECTION ACT OF 2016

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5732) to halt the wholesale slaughter of the Syrian people, encourage a negotiated political settlement, and hold Syrian human rights abusers accountable for their crimes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Caesar Syria Civilian Protection Act of 2016''.

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) Over 14,000,000 Syrians have become refugees or internally displaced persons over the last five years.

(2) The Syrian Observatory for Human Rights has reported that since 2012, over 60,000 Syrians, including children, have died in Syrian prisons.

(3) In July 2014, the Committee on Foreign Affairs of the House of Representatives heard testimony from a former Syrian military photographer, alias ''Caesar'', who fled Syria and smuggled out thousands of photos of tortured bodies. In testimony, Caesar said, ''I have seen horrendous pictures of bodies of people who had tremendous amounts of torture, deep wounds and burns and strangulation.''.

(4) In a June 16, 2015, hearing of the Committee on Foreign Affairs of the House of Representatives, United States Permanent Representative to the United Nations, Samantha Power, testified that there are alarming and grave reports that the Assad regime has been turning chlorine into a chemical weapon, and on June 16, 2015, Secretary of State John Kerry stated that he was ''absolutely certain'' that the Assad regime has used chlorine against his people.

(5) The Assad regime has repeatedly blocked civilian access to or diverted humanitarian assistance, including medical supplies, to besieged and hard-to-reach areas, in violation of United Nations Security Council resolutions.

(6) The course of the Syrian transition and its future leadership may depend on what the United States and its partners do now to save Syrian lives, alleviate suffering, and help Syrians determine their own future.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Bashar al-Assad's murderous actions against the people of Syria have caused the deaths of more than 400,000 civilians, led to the destruction of more than 50 percent of Syria's critical infrastructure, and forced the displacement of more than 14,000,000 people, precipitating the worst humanitarian crisis in more than 60 years;

(2) international actions to date have been insufficient in protecting vulnerable populations from being attacked by uniformed and irregular forces, including Hezbollah, associated with the Assad regime, on land and from the air, through the use of barrel bombs, chemical weapons, mass starvation campaigns, industrial-scale torture and execution of political dissidents, sniper attacks on pregnant women, and the deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets;

(3) Assad's use of chemical weapons, including chlorine, against the Syrian people violates the Chemical Weapons Convention; and

(4) Assad's continued claim of leadership and actions in Syria are a rallying point for the extremist ideology of the Islamic State, Jabhat al-Nusra, and other terrorist organizations.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that all diplomatic and coercive economic means should be utilized to compel the government of Bashir al-Assad to immediately halt the wholesale slaughter of the Syrian people and actively work towards transition to a democratic government in Syria, existing in peace and security with its neighbors.

TITLE I—ADDITIONAL ACTIONS IN CONNECTION WITH THE NATIONAL EMERGENCY WITH RESPECT TO SYRIA

SEC. 101. SANCTIONS WITH RESPECT TO CENTRAL BANK OF SYRIA AND FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) APPLICATION OF CERTAIN MEASURES TO CENTRAL BANK OF SYRIA.—Except as provided in subsections (a) and (b) of section 402, the President shall apply the measures described in section 5318A(b)(5) of title 31, United States Code, to the Central Bank of Syria.

(b) BLOCKING PROPERTY OF FOREIGN PERSONS THAT ENGAGE IN CERTAIN TRANSACTIONS.—

(1) IN GENERAL.—Beginning on and after the date that is 30 days after the date of the enactment of this Act, the President shall impose on a foreign person the sanctions described in subsection (c) if the President determines that such foreign person has, on or after such date of enactment, knowingly engaged in an activity described in paragraph (2).

(2) ACTIVITIES DESCRIBED.—A foreign person engages in an activity described in this paragraph if the foreign person—

(A) knowingly provided significant financial, material or technological support to (including engaging in or facilitating a significant transaction or transactions with) or provided significant financial services for—

(i) the Government of Syria (including Syria's intelligence and security services or its armed forces or government entities operating as a business enterprise) and the Central Bank of Syria, or any of its agents or affiliates; or

(ii) a foreign person subject to sanctions pursuant to—

(I) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to Syria or any other provision of law that imposes sanctions with respect to Syria; or

(II) a resolution that is agreed to by the United Nations Security Council that imposes sanctions with respect to Syria;

(B) knowingly—

(i) sold or provided significant goods, services, technology, information, or other support that could directly and significantly facilitate the maintenance or expansion of Syria's domestic production of natural gas or petroleum or petroleum products of Syrian origin in areas controlled by the Government of Syria;

(ii) sold or provided to Syria crude oil or condensate, refined petroleum products, liquefied natural gas, or petrochemical products that have a fair market value of $500,000 or more or that during a 12-month period have an aggregate fair market value of $2,000,000 or more in areas controlled by the Government of Syria;

(iii) sold or provided civilian aircraft or spare parts, or provides significant goods, services, or technologies associated with the operation of aircraft or airlines to any foreign person operating in areas controlled by the Government of Syria; or

(iv) sold or provided significant goods, services, or technology to a foreign person operating in the shipping (including ports and free trade zones), transportation, or telecommunications sectors in areas controlled by the Government of Syria;

(C) knowingly facilitated efforts by a foreign person to carry out an activity described in subparagraph (A) or (B);

(D) knowingly provided loans, credits, including export credits, or financing to carry out an activity described in subparagraph (A) or (B); and

(E) is owned or controlled by a foreign person that engaged in the activities described in subparagraphs (A) through (C).

(c) SANCTIONS AGAINST A FOREIGN PERSON.—The sanctions to be imposed on a foreign person described in subsection (b) are the following:

(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of the foreign person 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.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (a) regardless of when issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(4) 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 a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under section 501(a) to carry out paragraph (1) of this subsection to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of that Act.

(d) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) FINANCIAL, MATERIAL, OR TECHNOLOGICAL SUPPORT.—The term ''financial, material, or technological support'' has the meaning given such term in section 542.304 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(3) GOVERNMENT OF SYRIA.—The term ''Government of Syria'' has the meaning given such term in section 542.305 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(4) KNOWINGLY.—The term ''knowingly'' has the meaning given such term in section 566.312 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(5) PETROLEUM OR PETROLEUM PRODUCTS OF SYRIAN ORIGIN.—The term ''petroleum or petroleum products of Syrian origin'' has the meaning given such term in section 542.314 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(6) SIGNIFICANT TRANSACTION OR TRANSACTIONS; SIGNIFICANT FINANCIAL SERVICES.—A transaction or transactions or financial services shall be determined to be a significant for purposes of this section in accordance with section 566.404 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(7) SYRIA.—The term ''Syria'' has the meaning given such term in section 542.316 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

SEC. 102. PROHIBITIONS WITH RESPECT TO THE TRANSFER OF ARMS AND RELATED MATERIALS TO SYRIA.

(a) SANCTIONS.—

(1) IN GENERAL.—Beginning on and after the date that is 30 days after the date of the enactment of this Act, the President shall impose on a foreign person the sanctions described in subsection (b) if the President determines that such foreign person has, on or after such date of enactment, knowingly exported, transferred, or provided significant financial, material, or technological support to the Government of Syria to—

(A) acquire or develop chemical, biological, or nuclear weapons or related technologies;

(B) acquire or develop ballistic or cruise missile capabilities;

(C) acquire or develop destabilizing numbers and types of advanced conventional weapons;

(D) acquire defense articles, defense services, or defense information (as such terms are defined under the Arms Export Control Act (22 U.S.C. 2751 et seq.)); or

(E) acquire items designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(2) APPLICABILITY TO OTHER FOREIGN PERSONS.—The sanctions described in subsection (b) shall also be imposed on any foreign person that—

(A) is a successor entity to a foreign person described in paragraph (1); or

(B) is owned or controlled by a foreign person described in paragraph (1).

(b) SANCTIONS AGAINST A FOREIGN PERSON.—The sanctions to be imposed on a foreign person described in subsection (a) are the following:

(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of the foreign person 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.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (a) regardless of when issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i)—

(I) shall take effect immediately; and

(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(4) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) DEFINITIONS.—In this section:

(1) ADMITTED; ALIEN.—The terms ''admitted'' and ''alien'' have the meanings given such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) FINANCIAL, MATERIAL, OR TECHNOLOGICAL SUPPORT.—The term ''financial, material, or technological support'' has the meaning given such term in section 542.304 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(3) FOREIGN PERSON.—The term ''foreign person'' has the meaning given such term in section 594.304 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(4) KNOWINGLY.—The term ''knowingly'' has the meaning given such term in section 566.312 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(5) SYRIA.—The term ''Syria'' has the meaning given such term in section 542.316 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

(6) UNITED STATES PERSON.—The term ''United States person'' has the meaning given such term in section 542.319 of title 31, Code of Federal Regulations, as such section was in effect on the date of the enactment of this Act.

SEC. 103. RULE OF CONSTRUCTION.

The sanctions that are required to be imposed under this title are in addition to other similar or related sanctions that are required to be imposed under any other provision of law.

TITLE II—AMENDMENTS TO SYRIA HUMAN RIGHTS ACCOUNTABILITY ACT OF 2012

SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF SYRIA OR THEIR FAMILY MEMBERS.

(a) IN GENERAL.—Section 702(c) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791(c)) is amended to read as follows:

''(c) SANCTIONS DESCRIBED.—

''(1) IN GENERAL.—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in property of a person on the list required by subsection (b) 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.

''(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

''(A) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (b) is—

''(i) inadmissible to the United States;

''(ii) ineligible to receive a visa or other documentation to enter the United States; and

''(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(B) CURRENT VISAS REVOKED.—

''(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who meets any of the criteria described in subsection (b) regardless of when issued.

''(ii) EFFECT OF REVOCATION.—A revocation under clause (i)—

''(I) shall take effect immediately; and

''(II) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

''(3) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the

same extent as a person that commits an unlawful act described in subsection (a) of that section.

''(4) REGULATORY AUTHORITY.—The President shall, not later than 90 days after the date of the enactment of this section, promulgate regulations as necessary for the implementation of this section.

''(5) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (2) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

''(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President to impose additional sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), relevant Executive orders, regulations, or other provisions of law.''.

(b) SERIOUS HUMAN RIGHTS ABUSES DESCRIBED.—Section 702 of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791) is amended by adding at the end the following:

''(d) SERIOUS HUMAN RIGHTS ABUSES DESCRIBED.—In subsection (b), the term 'serious human rights abuses' includes—

''(1) the deliberate targeting of civilian infrastructure to include schools, hospitals, and markets; and

''(2) hindering the prompt and safe access for all actors engaged in humanitarian relief activities, including across conflict lines and borders.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall apply with respect to the imposition of sanctions under section 702(a) of the Syria Human Rights Accountability Act of 2012 on after such date of enactment.

SEC. 202. IMPOSITION OF SANCTIONS WITH RESPECT TO THE TRANSFER OF GOODS OR TECHNOLOGIES TO SYRIA THAT ARE LIKELY TO BE USED TO COMMIT HUMAN RIGHTS ABUSES.

Section 703(b)(2)(C) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8792(b)(2)(C)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iii) any article designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)); or

''(iv) other goods or technologies that the President determines may be used by the Government of Syria to commit human rights abuses against the people of Syria.''.

SEC. 203. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO HINDER HUMANITARIAN ACCESS.

The Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791 et seq.) is amended—

(1) by redesignating sections 705 and 706 as sections 706 and 707, respectively;

(2) by inserting after section 704 the following:

''SEC. 705. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS WHO HINDER HUMANITARIAN ACCESS.

''(a) IN GENERAL.—The President shall impose sanctions described in section 702(c) with respect to each person on the list required by subsection (b).

''(b) LIST OF PERSONS WHO HINDER HUMANITARIAN ACCESS.—

''(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Caesar Syria Civilian Protection Act of 2016, the President shall submit to the appropriate congressional committees a list of persons that the President determines have engaged in hindering the prompt and safe access for the United Nations, its specialized agencies and implementing partners, national and international non-governmental organizations, and all other actors engaged in humanitarian relief activities in Syria, including across conflict lines and borders.

''(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

''(A) not later than 300 days after the date of the enactment of the Caesar Syria Civilian Protection Act of 2016 and every 180 days thereafter; and

''(B) as new information becomes available.

''(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

''(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

''(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.''; and

(3) in section 706 (as so redesignated), by striking ''or 704'' and inserting ''704, or 705''.

TITLE III—REPORTS AND WAIVER FOR HUMANITARIAN-RELATED ACTIVITIES WITH RESPECT TO SYRIA

SEC. 301. REPORT ON MONITORING AND EVALUATING OF ONGOING ASSISTANCE PROGRAMS IN SYRIA AND TO THE SYRIAN PEOPLE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the monitoring and evaluation of ongoing assistance programs in Syria and to the Syrian people.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include—

(1) the specific project monitoring and evaluation plans, including measurable goals and performance metrics for assistance in Syria; and

(2) the major challenges to monitoring and evaluating programs in Syria.

SEC. 302. REPORT ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS VIOLATIONS IN SYRIA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a detailed report with respect to whether each person described in subsection (b) is a person that meets the requirements described in section 702(b) of the Syria Human Rights Accountability Act of 2012 (22 U.S.C. 8791(b) for purposes of inclusion on the list of persons who are responsible for or complicit in certain human rights abuses under such section. For any such person who is not included in such report, the President should include in the report a description of the reasons why the person was not included, including information on whether sufficient credible evidence of responsibility for such abuses was found.

(b) PERSONS DESCRIBED.—The persons described in this subsection are the following:

(1) Bashar Al-Assad.
(2) Asma Al-Assad.
(3) Rami Makhlouf.
(4) Bouthayna Shaaban.
(5) Walid Moallem.
(6) Ali Al-Salim.
(7) Wael Nader Al-Halqi.
(8) Jamil Hassan.
(9) Suhail Hassan.
(10) Ali Mamluk.
(11) Muhammed Khadour, Deir Ez Zor Military and Security.
(12) Jamal Razzouq, Security Branch 243.
(13) Munzer Ghanam, Air Force Intelligence.
(14) Daas Hasan Ali, Branch 327.
(15) Jassem Ali Jassem Hamad, Political Security.
(16) Samir Muhammad Youssef, Military Intelligence.
(17) Ali Ahmad Dayoub, Air Force Intelligence.
(18) Khaled Muhsen Al-Halabi, Security Branch 335.
(19) Mahmoud Kahila, Political Security.
(20) Zuhair Ahmad Hamad, Provincial Security.
(21) Wafiq Nasser, Security Branch 245.
(22) Qussay Mayoub, Air Force Intelligence.
(23) Muhammad Ammar Sardini, Political Security.
(24) Fouad Hammouda, Military Security.
(25) Hasan Daaboul, Branch 261.
(26) Yahia Wahbi, Air Force Intelligence.
(27) Okab Saqer, Security Branch 318.
(28) Husam Luqa, Political Security.
(29) Sami Al-Hasan, Security Branch 219.
(30) Yassir Deeb, Political Security.
(31) Ibrahim Darwish, Security Branch 220.
(32) Nasser Deeb, Political Security.
(33) Abdullatif Al-Fahed, Security Branch 290.
(34) Adeeb Namer Salamah, Air Force Intelligence.
(35) Akram Muhammed, State Security.
(36) Reyad Abbas, Political Security.
(37) Ali Abdullah Ayoub, Syrian Armed Forces.
(38) Fahd Jassem Al-Freij, Defense Ministry.
(39) Issam Halaq, Air Force.
(40) Ghassan Al-Abdullah, General Intelligence Directorate.
(41) Maher Al-Assad, Republican Guard.
(42) Fahad Al-Farouch.
(43) Rafiq Shahada, Military Intelligence.
(44) Loay Al-Ali, Military Intelligence.
(45) Nawfal Al-Husayn, Military Intelligence.
(46) Muhammad Zamrini, Military Intelligence.
(47) Muhammad Mahallah, Military Intelligence.

(c) FORM OF REPORT; PUBLIC AVAILABILITY.—

(1) FORM.—The list required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(2) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the Web sites of the Department of the Treasury and the Department of State.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

SEC. 303. ASSESSMENT OF POTENTIAL EFFECTIVENESS OF AND REQUIREMENTS FOR THE ESTABLISHMENT OF SAFE ZONES OR A NO-FLY ZONE IN SYRIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committee a report that—

(1) assesses the potential effectiveness, risks, and operational requirements of the establishment and maintenance of a no-fly zone over part or all of Syria, including—

(A) the operational and legal requirements for United States and coalition air power to establish a no-fly zone in Syria;

(B) the impact a no-fly zone in Syria would have on humanitarian and counterterrorism efforts in Syria and the surrounding region; and

(C) the potential for force contributions from other countries to establish a no-fly zone in Syria; and

(2) assesses the potential effectiveness, risks, and operational requirements for the establishment of one or more safe zones in Syria for internally displaced persons or for the facilitation of humanitarian assistance, including—

(A) the operational and legal requirements for United States and coalition forces to establish one or more safe zones in Syria;

(B) the impact one or more safe zones in Syria would have on humanitarian and counterterrorism efforts in Syria and the surrounding region; and

(C) the potential for contributions from other countries and vetted non-state actor partners to establish and maintain one or more safe zones in Syria.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 304. ASSISTANCE TO SUPPORT ENTITIES TAKING ACTIONS RELATING TO GATHERING EVIDENCE FOR INVESTIGATIONS INTO WAR CRIMES OR CRIMES AGAINST HUMANITY IN SYRIA SINCE MARCH 2011.

(a) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights and Labor and the Assistant Secretary for International Narcotics and Law Enforcement Affairs, is authorized to provide assistance to support entities that are conducting criminal investigations, building Syrian investigative capacity, supporting prosecutions in national courts, collecting evidence and preserving the chain of evidence for eventual prosecution against those who have committed war crimes or crimes against humanity in Syria, including the aiding and abetting of such crimes by foreign governments and organizations supporting the Government of Syria, since March 2011.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a detailed report on assistance provided under subsection (a).

TITLE IV—SUSPENSION OF SANCTIONS WITH RESPECT TO SYRIA

SEC. 401. SUSPENSION OF SANCTIONS WITH RESPECT TO SYRIA.

(a) SUSPENSION OF SANCTIONS.—

(1) NEGOTIATIONS NOT CONCLUDING IN AGREEMENT.—If the President determines that internationally recognized negotiations to resolve the violence in Syria have not concluded in an agreement or are likely not to conclude in an agreement, the President may suspend, as appropriate, in whole or in part, the imposition of sanctions otherwise required under this Act or any amendment made by this Act for a period not to exceed 120 days, and renewable for additional periods not to exceed 120 days, if the President submits to the appropriate congressional committees in writing a determination and certification that the Government of Syria has ended military attacks against and gross violations of the human rights of the Syrian people, specifically—

(A) the air space over Syria is no longer being utilized by the Government of Syria and associated forces to target civilian populations through the use of incendiary devices, including barrel bombs, chemical weapons, and conventional arms, including air-delivered missiles and explosives;

(B) areas besieged by the Assad regime and associated forces, including Hezbollah and irregular Iranian forces, are no longer cut off from international aid and have regular access to humanitarian assistance, freedom of travel, and medical care;

(C) the Government of Syria is releasing all political prisoners forcibly held within the Assad regime prison system, including the facilities maintained by various security, intelligence, and military elements associated with the Government of Syria and allowed full access to the same facilities for investigations by appropriate international human rights organizations; and

(D) the forces of the Government of Syria and associated forces, including Hezbollah, irregular Iranian forces, and Russian government air assets, are no longer engaged in deliberate targeting of medical facilities, schools, residential areas, and community gathering places, including markets, in flagrant violation of international norms.

(2) NEGOTIATIONS CONCLUDING IN AGREEMENT.—

(A) INITIAL SUSPENSION OF SANCTIONS.—If the President determines that internationally recognized negotiations to resolve the violence in Syria have concluded in an agreement or are likely to conclude in an agreement, the President may suspend, as appropriate, in whole or in part, the imposition of sanctions otherwise required under this Act or any amendment made by this Act for a period not to exceed 120 days if the President submits to the appropriate congressional committees in writing a determination and certification that—

(i) in the case in which the negotiations are likely to conclude in an agreement—

(I) the Government of Syria, the Syrian High Negotiations Committee or its successor, and appropriate international parties are participating in direct, face-to-face negotiations; and

(II) the suspension of sanctions under this Act or any amendment made by this Act is essential to the advancement of such negotiations; and

(ii) the Government of Syria has demonstrated a commitment to a significant and substantial reduction in attacks on and violence against the Syrian people by the Government of Syria and associated forces.

(B) RENEWAL OF SUSPENSION OF SANCTIONS.—The President may renew a suspension of sanctions under subparagraph (A) for additional periods not to exceed 120 days if, for each such additional period, the President submits to the appropriate congressional committees in writing a determination and certification that—

(i) the conditions described in clauses (i) and (ii) of subparagraph (A) are continuing to be met;

(ii) the renewal of the suspension of sanctions is essential to implementing an agreement described in subparagraph (A) or making progress toward concluding an agreement described in subparagraph (A);

(iii) the Government of Syria and associated forces have ceased attacks against Syrian civilians; and

(iv) the Government of Syria has publically committed to negotiations for a transitional government in Syria and continues to demonstrate that commitment through sustained engagement in talks and substantive and verifiable progress towards the implementation of such an agreement.

(3) BRIEFING AND REIMPOSITION OF SANCTIONS.—

(A) BRIEFING.—Not later than 30 days after the President submits to the appropriate congressional committees a determination and certification in the case of a renewal of suspension of sanctions under paragraph (2)(B), and every 30 days thereafter, the President shall provide a briefing to the appropriate congressional committees on the status and frequency of negotiations described in paragraph (2).

(B) RE-IMPOSITION OF SANCTIONS.—If the President provides a briefing to the appropriate congressional committees under subparagraph (A) with respect to which the President indicates a lapse in negotiations described in paragraph (2) for a period that equals or exceeds 90 days, the sanctions that were suspended under paragraph (2)(B) shall be re-imposed and any further suspension of such sanctions is prohibited.

(4) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

(b) SENSE OF CONGRESS TO BE CONSIDERED FOR DETERMINING A TRANSITIONAL GOVERNMENT IN SYRIA.—It is the sense of Congress that a transitional government in Syria is a government that—

(1) is taking verifiable steps to release all political prisoners and provided full access to Syrian prisons for investigations by appropriate international human rights organizations;

(2) is taking verifiable steps to remove former senior Syrian Government officials who are complicit in the conception, implementation, or cover up of war crimes, crimes against humanity, or human rights abuses from government positions and any person subject to sanctions under any provision of law;

(3) is in the process of organizing free and fair elections for a new government—

(A) to be held in a timely manner and scheduled while the suspension of sanctions or the renewal of the suspension of sanctions under this section is in effect; and

(B) to be conducted under the supervision of internationally recognized observers;

(4) is making tangible progress toward establishing an independent judiciary;

(5) is demonstrating respect for and compliance with internationally recognized human rights and basic freedoms as specified in the Universal Declaration of Human Rights;

(6) is taking steps to verifiably fulfill its commitments under the Chemical Weapons

Convention and the Treaty on the Non-Proliferation of Nuclear Weapons and is making tangible progress toward becoming a signatory to Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, entered into force March 26, 1975, and adhering to the Missile Technology Control Regime and other control lists, as necessary;

(7) has halted the development and deployment of ballistic and cruise missiles; and

(8) is taking verifiable steps to remove from positions of authority within the intelligence and security services as well as the military those who were in a position of authority or responsibility during the conflict and who under the authority of their position were implicated in or implicit in the torture, extrajudicial killing, or execution of civilians, to include those who were involved in decisionmaking or execution of plans to use chemical weapons.

SEC. 402. WAIVERS AND EXEMPTIONS.

(a) EXEMPTIONS.—The following activities and transactions shall be exempt from sanctions authorized under this Act:

(1) Any activity 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—

(A) 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

(B) the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967.

(b) HUMANITARIAN AND DEMOCRACY ASSISTANCE WAIVER.—

(1) STATEMENT OF POLICY.—It shall be the policy of the United States to fully utilize the waiver authority under this subsection to ensure that adequate humanitarian relief or support for democracy promotion is provided to the Syrian people.

(2) WAIVER.—Except as provided in paragraph (5), the President may waive, on a case-by-case basis, for a period not to exceed 120 days, and renewable for additional periods not to exceed 120 days, the application of sanctions authorized under this Act with respect to a person if the President submits to the appropriate congressional committees a written determination that the waiver is necessary for purposes of providing humanitarian assistance or support for democracy promotion to the people of Syria.

(3) 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 support for democracy promotion and do not entail any activities in Syria or dealings with the Government of Syria not reasonably related to humanitarian assistance or support for democracy promotion.

(4) CLARIFICATION OF PERMITTED ACTIVITIES UNDER WAIVER.—The President may not impose sanctions authorized under this Act against a humanitarian organization 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 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 or any amendment made by this Act unless the organization or its officers, members, representatives or employees have engaged in (or the President knows or has reasonable ground to believe is engaged in or is likely to engage in) conduct described in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)).

(5) EXCEPTION TO WAIVER AUTHORITY.—The President may not exercise the waiver authority under paragraph (2) with respect to a foreign person who has (or whose officers, members, representatives or employees have) engaged in (or the President knows or has reasonable ground to believe is engaged in or is likely to engage in) conduct described in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)).

(c) WAIVER.—

(1) IN GENERAL.—The President may, on a case-by-case basis and for periods not to exceed 120 days, waive the application of sanctions under this Act with respect to a foreign person if the President certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

(2) CONSULTATION.—

(A) BEFORE WAIVER ISSUED.—Not later than 5 days before the issuance of a waiver under paragraph (1) is to take effect, the President shall notify and brief the appropriate congressional committees on the status of the foreign person involvement in activities described in this Act.

(B) AFTER WAIVER ISSUED.—Not later than 90 days after the issuance of a waiver under paragraph (1), and every 120 days thereafter if the waiver remains in effect, the President shall brief the appropriate congressional committees on the status of the foreign person's involvement in activities described in this Act.

(3) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

(d) CODIFICATION OF CERTAIN SERVICES IN SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS' ACTIVITIES AUTHORIZED.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 542.516 of title 31, Code of Federal Regulations (relating to certain services in support of nongovernmental organizations' activities authorized), as in effect on the day before the date of the enactment of this Act, shall—

(A) remain in effect on and after such date of enactment; and

(B) in the case of a nongovernmental organization that is authorized to export or reexport services to Syria under such section on the day before such date of enactment, shall apply to such organization on and after such date of enactment to the same extent and in the same manner as such section applied to such organization on the day before such date of enactment.

(2) EXCEPTION.—Section 542.516 of title 31, Code of Federal Regulations, as codified under paragraph (1), shall not apply with respect to a foreign person who has (or whose officers, members, representatives or employees have) engaged in (or the President knows or has reasonable ground to believe is engaged in or is likely to engage in) conduct described in section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)).

TITLE V—REGULATORY AUTHORITY, COST LIMITATION, AND SUNSET

SEC. 501. REGULATORY AUTHORITY.

(a) IN GENERAL.—The President shall, not later than 90 days after the date of the enactment of this Act, promulgate regulations as necessary for the implementation of this Act and the amendments made by this Act.

(b) NOTIFICATION TO CONGRESS.—Not less than 10 days before the promulgation of regulations under subsection (a), the President shall notify and provide to the appropriate congressional committees the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 502. COST LIMITATION.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 503. SUNSET.

This Act shall cease to be effective beginning on December 31, 2021.

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 enter any extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, I want to thank, first of all, the gentleman from New York (Mr. ENGEL). He is the ranking member of this committee, but he has also been the leader in authorizing this critical legislation and also has been such a prophetic voice on this subject of Syria policy from the beginning, from that first day when we saw people out, on CNN, out on the streets in Damascus, saying, ''peaceful, peaceful,'' only to see the automatic weapons of the regime open up on those citizens.

From that day forward, he has tried to focus us on this issue.

I wish this body and I wish the White House had done more to heed his calls, for what we have now is a grim lesson, a grim lesson in human suffering. The Syrian regime has launched wave after wave after wave of unrelenting destruction, and I am talking about the airstrikes, the chemical weapons, the starvation, the industrial-scale torture, and the deliberate targeting, as

we have seen time and time again, of hospitals and of schools and of marketplaces with precision bombs, and then with crude barrel bombs, and then with chemical weapons.

These are the hallmarks of life for millions of people in Syria. The number of dead from this alone exceeds 450,000, and another 14 million souls have been driven from their homes.

ISIS plays a role, also, for the people of Syria in the violence that they face there, and so it is that they face this twin challenge. But it is Bashar al-Assad and his backers that have this instrument of death from the air, this capacity.

It is Russia, it is Iran and Hezbollah who now are the primary drivers of the death and the destruction. It is the Russian and Syrian fighter planes, helicopters, that drop these bombs on these hospitals and schools. It is Hezbollah, and it is the IRGC fighters from Iran and the commanders who besiege cities, who burn the crops and prevent food and water and medical supplies from reaching cities. It is Assad's secret police and intelligence groups, the intelligence apparatus of maybe 14 different agencies, who kidnap and then torture and then get new names from those they have killed and then go out to repeat that process and murder civilians from every ethnic group and every political party. Whether Sunni or Shia or Christian or Alawite, none are safe.

We have gone through, in the committee, some of the—well, there were tens of thousands of photographs, but I think we have identified 11,000 souls, people in these photographs that were individually killed, tortured and killed in the prisons, Assad's prisons.

And there is this bizarre—I have never understood it—this bizarre focus on recording every death. That is why we know the numbers, recording the death and putting a number on that body and cataloging this. For some reason, totalitarian regimes have done this from the Soviet era to the Nazis to Pol Pot; and for whatever reason, this practice continues.

The Foreign Affairs Committee heard the agonizing testimony from Syrians caught in this horror, including the brave Syrian defector known to the world now as Caesar and for whom this bill is named, who testified to us of the shocking scale of torture being carried out within the prisons of Syria. It was his job for the regime to document this with his camera.

Throughout all of the suffering, the administration has failed to use the tools at its disposal. Time after time, when given the opportunity to take steps to stop this suffering, the administration has decided not to decide; and that, itself, unfortunately, has set a course where here we sit and we watch, and the violence only worsens.

Mr. Speaker, America has been sitting back and watching these atrocities for far too long. Vital U.S. national security interests are at stake, and from increased humanitarian aid to serious, increased assistance to the moderate opposition, to safe zones, to the application of U.S. economic power, there are options available. These options are available to us.

This particular legislation is designed to increase the cost to Assad and to his outside backers by targeting the sectors of the economy that allow Assad to murder with impunity.

□ 1545

Under the bill, foreign companies and banks will have to choose between doing business with that regime that is carrying out these kinds of practices or with the United States.

For there to be peace in Syria, the parties must come together. And as long as Assad and his backers can slaughter the people of Syria with no consequences, there is no hope for peace.

Mr. Speaker, this bill is long overdue. I urge all Members to support this legislation as we seek to ease the suffering of the Syrian people.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 15, 2016.

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 5732, the Caesar Syria Civilian Protection Act of 2016, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 5732 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 16, 2016.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing concerning H.R. 5732, the ''Caesar Syria Civilian Protection Act of 2016.''

As a result of your having consulted with the Committee on Financial Services concerning provisions in the bill that fall within our Rule X jurisdiction, I agree to forgo action on the bill so that it may proceed expeditiously to the House Floor. The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of H.R. 5732 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of the legislation.

Sincerely,

JEB HENSARLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 15, 2016.

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

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 5732, the Caesar Syria Civilian Protection Act of 2016, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 5732 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 16, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I write with respect to H.R. 5732, the ''Caesar Syria Civilian Protection Act of 2016,'' which was referred to the Committee on Foreign Affairs and in addition to the Committee on the Judiciary among others. As a result of your having consulted with us on provisions within H.R. 5732 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5732 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect

to H.R. 5732 and would ask that a copy of our exchange of letters on this matter be included in your committee report and in the Congressional Record during floor consideration of H.R. 5732.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, August 1, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing with respect to H.R. 5732, the ''Caesar Syria Civilian Protection Act of 2016.'' As a result of your having consulted with us on provisions in H.R. 5732 that fall within the Rule X jurisdiction of the Committee on Ways and Means, I agree not to request a sequential referral on this bill so that it may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that by forgoing formal consideration of H.R. 5732, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

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

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 15, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN BRADY: Thank you for consulting with the Foreign Affairs Committee on HR. 5732, the Caesar Syria Civilian Protection Act of 2016, and for agreeing to forgo a sequential referral request so that the bill may proceed expeditiously to the House floor.

I agree that your declining to pursue a sequential referral in this case does not diminish or alter the jurisdiction of the Committee on Ways and Means, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on this bill into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with the Committee on Ways and Means as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

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

Mr. Speaker, I rise in support of my measure.

First of all, as usual, I want to thank our chairman, ED ROYCE, for his leadership on the Foreign Affairs Committee and for agreeing to bring this bill forward. I am proud to have him as my partner. I am proud to have him as the lead Republican cosponsor of the bill. And more than 80 of our colleagues on both sides of the aisle have joined as cosponsors, putting their support behind this legislation. This is what I said before, this is what we do best on the Foreign Affairs Committee, Mr. Speaker: we advance meaningful legislation with broad-based support.

Mr. Speaker, 2 years ago, as Mr. ROYCE just said, a man known as Caesar sat before the Foreign Affairs Committee and told his story through words and, horrifically, through pictures. He was a photographer who worked for the Assad Government in Syria. The images he captured of the Assad regime's brutality eventually pushed him to defect to the opposition.

His real name wasn't Caesar. He was in hiding. He wore a mask. We couldn't see his face. These are images he shared with members of our committee: images of death, torture, and unthinkable, inhuman cruelty. I will never forget what he showed us. We know that what we saw was the smallest fraction of what the Assad regime was inflicting on its own citizens, and we know that violence has gone on unabated for at least 2 years since. Those bodies—those dead bodies—lined up are unbelievable. I will never get it out of my mind.

More is needed to jolt this crisis out of its bloody status quo. I welcome the recent decision by the European Union to sanction members of the regime responsible for the brutal air campaign against civilians in Aleppo. We need to look for more ways to work with partners to dial up pressure on Assad and his enablers. This bill would give the administration more tools to do so. It will impose new sanctions on parties that continue to do business with the Assad regime.

As Chairman ROYCE said 3, 3½ years ago, 4 years ago, I thought that we should have aided the Free Syria Army. They came to us in Washington and begged us for help. They weren't looking for American troops. They were simply looking for weaponry.

I really believe if we had given it to them, the situation in Syria would have been different today. You can't prove it because it didn't happen. But all I know is we never would have imagined that now, as we are going into the new year of 2017, Assad still clings to power at the expense of killing millions of his citizens.

So we need to look for more ways to work with partners to dial up pressure on Assad and his enablers. This bill would give the administration, as I mentioned, more tools. It would impose new sanctions on parties that continue to do business with the Assad regime. We want to go after the things driving the war machine: money, airplanes, spare parts, oil—the military supply chain. And, yes, we want to go after Assad's partners in violence.

Russia's air campaign has enabled the Syrian regime, along with Iranian and Hezbollah forces. Russian planes have targeted schools, hospitals, and public spaces. When Syrian helicopters would attack, at least the civilians would hear them coming and have a few minutes to run for cover. President Putin's planes don't even give them that chance.

Under this legislation, if you are acting as a lifeline to the Assad regime, you risk getting caught up in the net of our sanctions.

Mr. Speaker, we marked this bill up in committee several months ago. It was ready to come to the floor before we left for the election. But, at the time, a cease-fire showed a glimmer of hope, and we thought maybe we can wait because maybe the cease-fire would come, but it didn't. The glimmer has gone out. It is time now, finally, to take a different approach and try to move towards a resolution.

When we are on that path, the bill will also help lay the groundwork for addressing the war crimes and the crimes against humanity that have marked this conflict. This bill will guide efforts to put together evidence for an eventual prosecution and would establish a report so that the world knows the names of those responsible for these brutal human rights violations.

Once again, I am grateful to Chairman ROYCE for his leadership. He has been a strong and consistent voice on Syria, and I know he wants to see an end to the bloodshed as well.

I ask all Members to support my bill.

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

Mr. ROYCE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN). She chairs the Foreign Affairs Subcommittee on the Middle East and North Africa.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman and my good friend, the ranking member, for bringing forth this important bill to the floor before us today.

I rise in strong support of this bill, H.R. 5732, the Caesar Syria Civilian Protection Act, a bill of which I am proud to be an original cosponsor. And I want to thank again our wonderful chairman and esteemed ranking member for always working together in a strong bipartisan manner to bring important issues to the House floor. This bill is no exception.

Often lost in the debate on the fight against ISIS or the future of Syria is the humanitarian crisis that has resulted from this conflict that is now in its sixth year with no end in sight. These numbers are horrific. You heard Chairman ROYCE and Ranking Member ENGEL speak of them: hundreds of thousands dead, millions that have fled their homes, and millions more who are in desperate need of assistance.

Yet the Assad regime and its patrons in Iran and Russia continue to bring pain and suffering to the people of

Syria. What is worse is they continue to deny humanitarian assistance to parts of the country.

Actions need to be taken, Mr. Speaker, against Assad and his regime, and they need to be taken against those who are providing materiel support to Assad that allows this horrific conflict to continue.

Accountability is imperative, and that is what this bill aims to do. Mr. Speaker, this bill builds upon a bill that I authored in 2012 which became law: the Iran Threat Reduction and Syria Human Rights Act. It expands the sanctions currently on the books, and it gives the administration the tools to go after those who are responsible for this humanitarian crisis and the ongoing suffering of the people of Syria.

I was so pleased to work with Chairman ROYCE and Ranking Member ENGEL to include amendments that I authored into this bill that would determine that denying or hindering access to humanitarian aid is, indeed, a serious human rights violation and, as such, would allow the administration to sanction any individual responsible for doing so.

The United Nations Security Council has already passed several resolutions to allow for direct and free access to humanitarian aid. But, Mr. Speaker, as reported in a recent GAO review that I commissioned alongside our esteemed Foreign Affairs colleagues, Congressman TED DEUTCH, RON DESANTIS, and GERRY CONNOLLY, the Assad regime, between the years 2015 and earlier this year, has denied 100 of the 113 requests from the United Nations to deliver humanitarian aid. This is unconscionable. This must be put to an end immediately.

This step, therefore, Mr. Speaker, is a step in that correct direction to bring accountability to Assad and the supporters of this evil regime for the atrocities they have committed or are complicit in.

I would urge my colleagues to support this important measure before us, and I would urge the administration to lend its strong support for this bill and use this legislation as an opportunity to fully and vigorously enforce these sanctions in an attempt to put an end to one of the greatest humanitarian tragedies in a generation.

Mr. Speaker, I thank Mr. ROYCE and Mr. ENGEL.

Mr. ENGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. KILDEE) who was an original cosponsor of the bill.

Mr. KILDEE. Mr. Speaker, I thank my friend, the ranking member, and Chairman ROYCE for their work on this really important piece of legislation.

For 5 years—for 5 long years—the world has witnessed this terrible tragedy unfold before our eyes. Nearly half a million Syrians have been killed—not soldiers—men, women, and children killed, 5 million Syrian citizens driven from their own country, 10 million displaced from their homes, often leaving homes that have generation after generation of history, leaving behind their legacy; and atrocities, as we have recounted, the targeting of children, the targeting of hospitals, and the targeting of schools.

Clearly, this Congress can and should act, and that is why I am so pleased to be a cosponsor of this and to join my colleagues in supporting this important legislation.

This legislation would bring much-needed and long overdue accountability to the Assad regime. After all, they are responsible for these horrific crimes. It would do so by imposing sanctions on those responsible and for those who are abetting these cold-hearted and merciless acts. It would authorize the Department of State to do what they need to do to assist those entities investigating these terrible war crimes and to hold the Assad regime accountable.

It would mandate that the U.S. Government explore every option available to it to address this horrific conflict, to do whatever we can in order to bring it to an end, and to use every tool we have available to us to stand with the Syrian people. Assad must be held accountable for this massacre—the massacre of his own people.

It is also important, as we move forward with this legislation, that we pause for a moment to thank those many people who have worked for so long to get this legislation to the floor. I am talking about citizens, particularly a lot of young people who, facing incredible pain, have made it their cause to ensure that this day comes. Let's not just stand with the Syrian people against Assad but also stand with those who have brought this question to us, and validate and support their exercise of their civic responsibility and their democratic efforts to get this Congress to do the work of the American people.

Our principles demand that we support this legislation. This is the American thing to do. We have to act, and I am proud to stand with my colleagues and encourage all my colleagues—Democrats and Republicans—to speak with one voice on this matter and pass this really critical and important humanitarian legislation.

Mr. Speaker, I thank the ranking member for his time, and I thank the chairman for his efforts on this matter.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, today I rise in strong support of H.R. 5732, the Caesar Syria Civilian Protection Act of 2016. This legislation would impose sanctions on those who are responsible for the Syrian humanitarian crisis and on those who hinder or deny humanitarian assistance in Syria by declaring that to be a serious abuse of human rights.

I have consistently said that the conflict in Syria is one of the greatest blemishes on human history, and it is imperative that we do more to put an end to it. Bashar al-Assad's regime has committed horrific abuses against civilians in his country by employing widespread torture and other tactics that have shocked the international community. The regime also continues to block aid from reaching parts of Syria in spite of U.N. Security Council resolutions calling for access to humanitarian assistance. This legislation holds not only regime officials accountable but also those who are providing the regime the support it needs to carry out its appalling crimes.

□ 1600

Since 2011, millions have been forced to flee from their homes to escape the brutal violence and unlivable conditions that plague the country. Half a million people have died. I believe that strong action is long overdue. H.R. 5732 is a step forward, and I encourage all of my colleagues to vote in favor of it.

I want to thank Representative ENGEL for introducing this important legislation and Chairman ROYCE for all of his work.

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

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of the Foreign Affairs subcommittee responsible not only for Africa, but also for global human rights issues.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my good friend and colleague, ED ROYCE, the chairman of our committee, for his leadership on all things related to the Syrian crisis, the Iranian crisis, and the large number of hearings that we have had that have brought a focus on these horrific atrocities being committed by Assad. And I want to thank ELIOT ENGEL for sponsoring the Caesar Syria Civilian Protection Act of 2016.

Mr. Speaker, for more than 5 years, the Assad regime has been committing crimes against humanity and war crimes against civilians, including murder, torture, and rape, and has been doing so on an industrial scale. No one has been spared from its targeting—not even children. These atrocities have fueled the largest refugee crisis since World War II, overwhelming the region and propelling a refugee crisis in Europe. More than 6 million people are also internally displaced inside of Syria, which has become one of the most deadly places in the world to deliver humanitarian assistance.

The administration's response has not stopped the carnage, nor have the European efforts. This has emboldened the regime; and for months the Syrian and Russian militaries have systematically been bombing Aleppo, Syria's most populous city before the conflict, and they have been bombing it into rubble.

The United States must impose the strongest available sanctions on perpetrators in the Syrian regime who are

complicit in these atrocities and foreigners who feed its killing machine. This legislation is a very, very important step in that direction.

I urge its support and, again, thank the chairman and the ranking member for their leadership.

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

We cannot delay action on Syria any longer. The violence has gone on too long and at too great a cost. If we don't get this legislation across the finish line in the next few weeks, we are back at square one.

The gentlewoman from Florida (Ms. ROS-LEHTINEN), who spoke earlier, talked about working in this region and the legislation that we did. Well, in 2004, I believe, she and I cosponsored the Syria Accountability Act and it passed into law. We really regarded it at the time as a major achievement which helped calm things down in that area. But now it has been many years and things are getting worse.

When I speak with people who have direct knowledge of what is going on on a daily basis in Aleppo and in other places, they tell me that not only are barrel bombs being dropped on the civilian population—and, as somebody mentioned before, these aren't people dying who are dying in war; they are civilians, and they have had barrel bombs dropped on them, which is terrible—now do you know what the Assad regime is doing? It is dropping bunker-buster bombs on its people, on its civilians. So the people who go underground—literally underground—to avoid the bombs from being dropped on top of them get murdered by bunker-busting bombs that actually go there and have no purpose except to kill innocent civilians. It is absolutely a disgrace, and we cannot stand idly by and just allow this to happen.

This legislation won't tie the hands of this administration or the next administration. This bill has plenty of flexibility built in so that we can adapt to changing conditions. But if we pass it and put it to work, this measure will tie the hands of the Assad regime. It will help to cut off its ability to carry out violence against its own people, and it will discourage other powers from sustaining the campaign of violence.

I echo every word that was said today from our colleagues on both sides of the aisle. So let's do the right thing for the Syrian people, the right thing for humanity, and pass this bill. I urge all Members to vote ''aye.''

I yield back the balance of my time.

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

In closing, I want to once again recognize our colleague, Ranking Member ELIOT ENGEL, not only for authoring this bill, but, over the years, for raising this issue with his colleagues, with the President of the United States, with the media, and with the NGO community in order to try to get action. And I thank, also, other Members who contributed on this bill.

Our committee, as Eliot has shared with you, has heard firsthand accounts of the suffering. I guess the one thing I would say is that the EU has finally been moved to take steps recently. We welcome those steps to sanction those within the Assad regime responsible for the brutal air campaign against innocent civilians in Aleppo.

We heard firsthand accounts not only of the suffering, but we heard the testimony from Raed Saleh of the Syrian White Helmets. These are the doctors and the nurses and the volunteers who actually, when the bombs come, run toward the areas that have been hit in order to try to get the injured civilians medical treatment. They try to provide relief for these victims. They have lost over 600 doctors and nurses. Doctors and nurses come from all over the world to try to assist.

When Mr. ENGEL told you about these bunker-buster bombs that are being dropped from the air, they are being dropped on civilians, but they are also being dropped on the hospitals. In Aleppo, there are six hospitals. Four of them have been destroyed. Last week, four of those last six were utterly destroyed by bunker-buster bombs dropped by Russian planes and by the Syrian Air Force. But there are two that are partially left. In these two, there is, no longer, morphine and there are, no longer, medical supplies. They bring those injured who have some chance of survival in there to try to treat them. In the meantime, the bombs rain down every day.

They were nominated, the organization, the White Helmets—the volunteer group, doctors and nurses—for a Nobel Peace Prize, but so many of them now have gone to their graves.

We have heard of the terror. Dr. Mohamed Tennari of the Syrian American Medical Society described for the committee the sound of those helicopters overhead, the thump of exploding bombs and the overpowering smell of bleach in the area, that bleach that is dropped as part of chemical weaponry, and then the effects of the toxic gas on the human body: foaming at the mouth, gasping for breath, dying slow, agonizing deaths as the chlorine gas turns to hydrochloric acid in the lungs of the victims.

Many of those victims—so many of those victims—are children, and so many of those attacks come in the dead of night. And again, these are the broad civilian areas of that country that are not presently controlled by the Assad regime. We are not talking about the attacks on the front lines. We are talking about the attacks on hospitals in the civilian sectors.

Mr. Speaker, for 5 years, or nearly that, international diplomats have debated ways to protect the civilian populations targeted by the Assad regime and its backers. Listen, we can see the ethnic cleansing going on. There is a reason why you have got 14 million people fleeing.

It is this aggressive campaign, when we talk about ethnic cleansing, aggressive campaign now by the Russian Air Force that has joined the Syrian Air Force in hitting Aleppo and other parts of the country. Even the United Nations calls this crimes of historic proportions—crimes of historic proportions.

Enough is enough. Today we send a message that this will not stand and that the United States will work to ensure that war crimes committed by Assad, that the war machine cannot rain down on the people of Syria unrelentingly. It is not too late to act. We have to cut off their ability to have this capacity, and we have to put those sanctions in place on this.

I urge all Members to support this legislation.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a former member of the Committee on Foreign Affairs and Senior Member of the House Judiciary Committee; I rise in support of H.R. 5732, the ''Caesar Syria Civilian Protection Act of 2016.''

The situation in Syria is truly appalling, innocent civilians are subject to the Assad's brutality.

Over 14 million Syrians have become refugees or have been internally displaced over the last five years.

The Syrian transition and its future leadership are likely to depend on what the United States and its partners do now to save the lives of innocent Syrians.

I am pleased to join in co-sponsoring this legislation that will hinder the Assad's access to resources it uses to harm its people.

This bill is named in honor of the courageous former Syrian military photographer, known as ''Caesar,'' who testified before the House Foreign Affairs Committee in 2014 about the Assad regime's torture of Syrian civilians.

H.R. 5732 will help halt the slaughter of the Syrian people, encourage a negotiated political settlement, and hold Syrian human rights abusers accountable for their crimes.

H.R. 5732 requires the President to report to Congress the persons responsible for, or complicit in, gross violations of human rights of the Syrian people.

This process will name and shame the violator of these human rights.

H.R. 5732 additionally requires the President to impose new sanctions on anyone who (1) does business with or provides financing to the Government of Syria, including Syrian intelligence and security services, or the Central Bank of Syria;

(2) provides aircraft or spare parts for aircraft to Syria's airlines (including financing);

(3) does business with transportation or telecom sectors controlled by the Syrian government; or

(4) supports Syria's energy industry.

H.R. 5732 requires the President to submit a report on the potential effectiveness of imposing a No-Fly Zone and the risks, and operational requirements of the establishment.

This report will a ditionally contain maintenance updates of a no-fly zone or a safe zone over part or all of Syria.

H.R. 5732 authorizes the President also to waive sanctions on a case-by-case basis.

Sanctions cans also be suspended if the parties are engaged in meaningful negotiations and the violence against civilians has ceased.

Suspension is renowable if the suspension is critical to the continuation of negotiations and attacks against civilians have ceased.

On balance, I support H.R. 5732 because it will help alleviate the suffering of the Syrian people.

I urge my colleagues to join me in voting for H.R. 5732.

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 pass the bill, H.R. 5732, as amended.

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

A motion to reconsider was laid on the table.

IRAN SANCTIONS EXTENSION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6297) to reauthorize the Iran Sanctions Act of 1996.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6297

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 ''Iran Sanctions Extension Act''.

SEC. 2. REAUTHORIZATION OF IRAN SANCTIONS ACT OF 1996.

Section 13(b) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2026''.

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 any extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6297. This is to extend the Iran Sanctions Act.

I want to thank Ranking Member ENGEL for his assistance in bringing this legislation to the floor.

Time is of the essence, as this critical law expires on December 31. Unless Congress acts, as we are doing today, we will not have this on the books. The other body should quickly take up this bill and send it to the President's desk, keeping a critical tool in place for the future.

Mr. Speaker, 20 years ago, a bipartisan majority in Congress passed the Iran Sanctions Act. It was then known as the Iran-Libya Sanctions Act. The goal was to stop significant foreign investment in Iran's energy sector, denying the Iranian regime the ability to financially support international terrorism, nuclear proliferation, and, frankly, missile proliferation as well. Since then, this legislation has been reauthorized and expanded on several occasions.

After years of bipartisan work in the Congress, the Iran Sanctions Act has served here as the statutory foundation of the Iran sanctions regime. Of course, President Obama developed his nuclear deal with Iran; and in doing so, that dismantles part of that regime.

I would just point out that, just last week, we heard that a major European energy firm is close to investing $6 billion in Iran to develop natural gas, which will, in turn, frankly, enrich the regime.

□ 1615

The difficulty is in terms of enforcement. What if—and I would assert ''when''—Iran is found moving towards a bomb? How will we respond to that?

The Obama administration has long said that sanctions on Iran would snap back if this were to happen. For that to happen, we need this legislation because, if the law expires, as the Iran Sanctions Act is set to do at the end of next month, there is nothing to snap back to. The Obama administration has struggled to answer that question.

Here is the bottom line: if we let the clock run out on the Iran Sanctions Act, Congress will take away an important tool to keep Tehran in check, and that, in turn, will only further jeopardize America's national security. I urge all Members to support this.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 15, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing with respect to H.R. 6297, the ''Iran Sanctions Extension Act.'' As a result of your having consulted with us on provisions in H.R. 6297 that fall within the Rule X jurisdiction of the Committee on Ways and Means, I agree to waive consideration of this bill so that it may proceed expeditiously to the House floor.

The Committee on Ways and Means takes this action with the mutual understanding that by forgoing consideration of H.R. 6297 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your including a copy of our exchange of letters on this matter in the Congressional Record during floor consideration thereof.

Sincerely,

KEVIN BRADY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 14, 2016.

Hon. KEVIN BRADY,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN BRADY: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 6297, the Iran Sanctions Extension Act, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6297 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 14, 2016.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 6297, the Iran Sanctions Extension Act, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6297 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, November 15, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 6297, the Iran Sanctions Extension Act. I agree that your letter in no way diminishes or alters the jurisdiction of the Committee on Oversight and Government Reform with response to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or any similar legislation.

I am happy to forego a sequential referral of the bill in the interest of expediting this legislation for floor consideration. I appreciate you placing a copy of our letter exchange on H.R. 6297 in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your assistance with this matter.

Sincerely,

JASON CHAFFETZ,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, November 15, 2016.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing concerning H.R. 6297, the Iran Sanctions Extension Act.

As a result of your having consulted with the Committee on Financial Services concerning provisions in the bill that fall within our Rule X jurisdiction, I agree to forgo action on the bill so that it may proceed expeditiously to the House Floor. The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of H.R. 6297 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 6297 and would ask that a copy of our exchange of letters on this matter be placed in the Congressional Record during floor consideration thereof.

Sincerely,

JEB HENSARLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 14, 2016.

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services, Washington, DC.

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 6297, the Iran Sanctions Extension Act, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6297 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 2016.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN ROYCE: I write with respect to H.R. 6297, the ''Iran Sanctions Extension Act,'' which was referred to the Committee on Foreign Affairs and in addition to the Committee on the Judiciary among others. As a result of your having consulted with us on provisions within H.R. 6297 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 6297 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 6297 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. 6297.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 14, 2016.

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

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Foreign Affairs Committee and agreeing to be discharged from further consideration of H.R. 6297, the Iran Sanctions Extension Act, so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee, or prejudice its jurisdictional prerogatives on this resolution or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will seek to place our letters on H.R. 6297 into the Congressional Record during floor consideration of the resolution. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

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

I rise in support of this measure.

Let me again thank our chairman, ED ROYCE, for his leadership on the Foreign Affairs Committee. I also want to thank the leadership on both sides of the aisle for working together to get this bipartisan bill to the floor. Our foreign affairs legislation and particularly sanctions—we have said this before, but I want to say it again—always work best when there is bipartisan support.

Since the Iran nuclear deal was struck more than a year ago, I have consistently said two things: one, I didn't agree with the deal, but that, once it was in effect, we should try to make it work rather than try to undermine it; two, we should keep looking for ways to hold Iran's feet to the fire on all of the other bad behavior issues—support for terrorism, ballistic missiles, human rights abuses, and all of those kinds of things.

This legislation—I am happy to say—fits the bill. We can provide the administration tools to crack down on Iran and still be fully compliant with our obligations under the nuclear deal. After all, the exact language in this bill is already law on the books. The Iran Sanctions Extension Act is a simple, clean extension of current law. The legislation, which has been reauthorized with large bipartisan support since 1996, demands that Iran abandon its nuclear weapons program, cease its ballistic program, and stop its support for terrorism. All of these remain threats to the United States and to our allies.

The current law is set to expire on December 31 of this year. We don't want to let the Iran Sanctions Act lapse. We don't want Iran's leaders to think we have lost focus on their other dangerous activities around the world—that we don't mind when they launch ballistic missiles that are emblazoned with the words, in Hebrew, ''Israel must be wiped out.'' They must not think that we will look the other way when they smuggle weapons to the Houthis in Yemen, who, last month, fired two cruise missiles at a U.S. naval destroyer.

This is a critical moment in the region. There is no end in sight for Hezbollah's support for the Assad regime. Iran is sowing instability throughout Yemen, Iraq, Lebanon, and the Gulf; and, more and more, our friends and allies are unsure about the future of America's resolve. We need to send a clear message that American leadership is a sure thing. We all went to school when we were kids, and we learned about the separation of powers. The legislative branch—this Congress—has an important say and an important role to play, and we will continue to do that.

This legislation will provide for an immediate snapback of sanctions should Iran cheat on the nuclear deal. These sanctions must be in place to demonstrate to Iran that there are consequences for noncompliance. In 10 years, when this legislation expires, we will have another discussion. I sincerely hope that, by then, Iran will have acceded to every demand of the international community's to stop its ballistic missile program and will have

put an end to its destabilizing activities around the region. In the meantime, hopes won't safeguard our interests. That is why I support this legislation. That is why we wrote this legislation. I urge my colleagues to do the same in supporting it.

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

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), who chairs the Foreign Affairs Subcommittee on the Middle East and North Africa.

Before yielding to the gentlewoman, I do want to express this body's special appreciation for the work of my predecessor's, Ms. ROS-LEHTINEN—our chairman emeritus—because Ms. ROS-LEHTINEN's foresight and legislative work in prior Congresses, as the author of those measures, is what put into place the statutory sanctions regime upon which we continue to rely; so I thank her for that underlying legislation.

Ms. ROS-LEHTINEN. As always, I thank our esteemed chairman for those wonderful and kind words, and I thank our terrific friend, the gentleman from New York (Mr. ENGEL), the ranking member. I thank Chairman ROYCE and Ranking Member ENGEL for continuing to be great examples of the bipartisan cooperation of which we need so much in this Congress, and I thank the gentlemen for their leadership in bringing this important bill to the floor this afternoon.

Mr. Speaker, this has been a priority for the United States Congress but especially to members of our Foreign Affairs Committee, and it has been an issue on which I have worked extensively—and I thank the chairman for his words—alongside so many of my colleagues for over two decades.

In 2006, as the chairman pointed out, I authored a bill that expanded sanctions on Iran and that extended the Iran Sanctions Act through 2011. In 2010, I worked with then-Foreign Affairs Chairman Howard Berman on yet another comprehensive Iran sanctions bill, which also extended the Iran Sanctions Act through the end of this year. Today, I am so pleased and honored to support Chairman ROYCE's effort, guided by Mr. ENGEL's as well, to extend the Iran Sanctions Act for another 10 years, which will keep the foundation of sanctions against Iran in place for when Iran violates the nuclear deal.

I believe that those violations have already taken place. Earlier this year, we already saw the administration buy heavy water from Iran.

Why?

Because Iran was producing more heavy water than it was allowed to under the terms of the agreement. Just a few days ago, it was announced that Iran was, once again, over the allowable total of heavy water. We have also found out that there have been secret exemptions for Iran and that, without these exemptions, Iran would not have been in compliance with the JCPOA, which is the initials of the nuclear deal, before the deal went to Implementation Day.

That is why, Mr. Speaker, it is absolutely vital that we pass Mr. ROYCE and Mr. ENGEL's bill—that we extend these sanctions and that we keep the foundation of our sanctions against Iran in place. We need to keep the regime accountable for its violations of its nuclear deal and for its continued illicit activity.

There is absolutely no justification at all for allowing these sanctions to lapse. In fact, everything we have witnessed from the regime this year is a clear indication that we need to be looking at ensuring that all sanctions against Iran are fully and vigorously enforced and even expanded.

I urge my colleagues to support this important measure.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTCH), the ranking member of the Middle East and North Africa Subcommittee of our Foreign Affairs Committee.

Mr. DEUTCH. Mr. Speaker, I thank Ranking Member ENGEL.

I thank Ranking Member ENGEL and Chairman ROYCE for moving forward with this critical piece of legislation to reauthorize the Iran Sanctions Act, which I am proud to introduce with the gentlemen.

By extending the Iran Sanctions Act for another 10 years, we will cement the law that has, for 20 years, been the backbone of our Iran policy. Congress worked for many years in a bipartisan manner to craft economic sanctions that have brought maximum pressure on the Iran regime. In fact, it has always been Congress that has been at the forefront of sanctions policy. The nuclear deal is in place, and these sanctions provide the teeth when violations occur.

Preserving our sanctions law should not be viewed by anyone as undermining the nuclear deal. It is, in fact, exactly the opposite. When the Iran nuclear agreement was negotiated, the entire success of the deal was predicated on the notion that, should Iran violate the deal, sanctions would immediately be snapped back into place. The very real threat of vigorous enforcement of U.S. sanctions is what holds Iran to its international obligations.

Now, I was not a supporter of the nuclear deal, but that does not change the fact that the United States is a party to a multilateral agreement that we have an obligation to enforce vigorously. Strong sanctions from the European Union and the United Nations have come because of American leadership. We must continue to exercise that leadership. By living up to our obligations under the deal and by continuing to vigorously enforce the deal, including the willingness to snap back sanctions, we will be able to advance our interests.

The Iran Sanctions Act expires in a matter of weeks. The time for action is now. I urge my colleagues to move swiftly to pass this bill and for the Senate to do the same.

Even as we enforce the nuclear deal, Mr. Speaker, the United States must continue to lead the international community in confronting Iran's continued sponsorship of terrorism and its dangerous ballistic missile activity. We must ensure that Iran pays an economic price for endangering the world through its terror proxies, and we must galvanize the international community to bring home American and other foreign citizens whom Iran continues to detain, including my constituent, Bob Levinson. Iran has not lived up to its obligations to return Bob to his family.

As we approach Thanksgiving, I plead with my colleagues in the House and I plead with my fellow citizens from around the country to stand with the Levinson family so that this is the last Thanksgiving they celebrate without their husband, their father, and their grandfather sitting beside them at the Thanksgiving table. We need to bring Bob Levinson home.

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), a member of the Committee on Energy and Commerce.

Mr. LANCE. Mr. Speaker, I rise in strong support of the bipartisan Iran Sanctions Extension Act. Now is not the time to ease up on the world's leading sponsor of terrorism. The Iran Sanctions Extension Act is an important piece of legislation that needs to be extended so that we can continue our fine work in this area.

I thank Chairman ROYCE for offering this legislation that will extend Iranian sanctions for an additional 10 years. As has been stated, these sanctions will expire at the end of this year if Congress fails to act. It is imperative that we extend the current sanctions regime. This has been in place for quite some time, and this in no way affects the underlying agreement even though I am vigorously opposed to the underlying agreement.

Let's send a message today that, despite what this administration may think regarding the continuation of the agreement, the Congress is united in tough sanctions. We will hold Tehran accountable for its human rights violations, its support of international terrorism, and its testing of illegal ballistic missiles.

Sanctions work. Time and time again, U.S. sanctions have been a powerful force on the world stage and have given the U.S. leverage against some of the world's worst State actors. Let's not reward provocations that may have occurred already or provocations that may occur in the future. I urge all of my colleagues to vote ''yes'' and keep these sanctions in place.

I commend the chairman, the ranking member, and the full committee; and if this legislation passes, I am hopeful that the President will sign it into law.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the Democratic whip.

Mr. HOYER. Mr. Speaker, I thank my friend, Mr. ENGEL, and I thank the chairman, Mr. ROYCE, for bringing this bipartisan bill to the floor. I thank them for their efforts on behalf of our country, on behalf of the security of our country, and on behalf of ensuring that tough sanctions stay in place.

□ 1630

Tough sanctions are what brought Iran to the negotiating table, Mr. Speaker, in the first place; and the prospect of a snapback of sanctions is what I hope will keep Iran compliant.

Make no mistake: Iran continues to be a bad actor, sponsoring terrorism, contributing to instability in Syria and Iraq, threatening Israel, and suppressing democracy within its own borders.

We must continue to ensure that Iran abides by the Joint Comprehensive Plan of Action. We had differences on its merits, but we had no differences that Iran must comply.

No malfeasance ought to be tolerated. Iran's theocratic leaders continue to threaten Israel and Americans in the region. They continue as well to pursue ballistic missile technology that destabilizes the region, and its regime has held Americans captive for years as bargaining chips in negotiations over its compliance with basic international law and norms.

This legislation will ensure that President Obama and his successor will have the full force of sanctions available should Iran violate the nuclear agreement in any way. It is critical that our approach to Iran remain bipartisan. Mr. ROYCE and I have had that discussion; Mr. ENGEL and I have had that discussion. I say again that it is critical that our policy remain bipartisan. Doing so sends a strong signal to our allies—and even more importantly to our adversaries—that we are united in our efforts to stop Iran from ever obtaining a nuclear weapon.

Now that this legislation is completed, we need to turn to the critical task of ballistic missile sanctions. And I look forward to working with my colleagues on both sides of the aisle to respond appropriately to Iran pursuing ballistic missile capabilities in violation of U.N. Security Council resolutions.

Again, I reiterate the fact that we work together, Republicans and Democrats, where we have many differences; but on this, we should not have differences because the security of our Nation, the security of the nations of the Middle East, and indeed the global security depends upon it.

I thank both Mr. ROYCE and Mr. ENGEL, and I thank my colleagues for working so hard toward this legislation.

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

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chair for his sponsorship of the Iran Sanctions Extension Act, H.R. 6297. This is a must-pass measure that would extend for 10 years the Iran Sanctions Act, a critical set of sanctions targeting Iran's energy sector that would otherwise expire on December 31st.

As we all know, the administration lifted the vast majority of the act's sanctions following the purported implementation of the egregiously flawed Iran nuclear deal in January, but these restrictions on investment in Iran's nuclear sector would form the backbone of the so-called snapback sanctions that the U.S. could impose in response to Iranian violations of the agreement.

Mr. Speaker, let's not kid ourselves, the Iran nuclear agreement is a mess. There is no anytime/anywhere inspections protocol. Today Iran is massively expanding both the number and the capability of its ballistic missile arsenal. Iran remains the leading state sponsor of terrorism. Now flush with billions of new funding, they are on a weapons procurement frenzy and are acquiring weapons of many kinds, including SAM missiles.

There is cheating on a number of fronts. Under the Iranian deal, it is a matter of when, not if, but when will Iran become a nuclear state.

This is a minimal policy that will at least snap back and say: when you violate the terms and conditions of the agreement—which I find flawed and many others do as well—that, at least, there is a snapback, and those sanctions will be kicked into place. If they don't exist, it is not going to happen.

So for 20 years, we all know sanctions have played a critical role in mitigating Iran's destabilizing weapons program and state sponsorship of terrorism. By imposing sanctions on entities anywhere in the world that invested in Iran's nuclear sector, the Iran Sanctions Act for years targeted a key source of revenue that the Iranian Government used to finance its activities.

So again, I think this is an important bill, and I hope that the Senate will take it up quickly after House passage.

Again, I thank Chairman ROYCE and ELIOT ENGEL for their leadership. This is a bipartisan piece of legislation. It is the barest minimum that we can do in the face of such a flawed agreement.

Mr. ENGEL. Mr. Speaker, I now yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), a very valued member of our Foreign Affairs Committee.

Mr. CONNOLLY. Mr. Speaker, I thank the gentleman from New York (Mr. ENGEL) and the gentleman from California (Mr. ROYCE) for their fine work.

I rise today in support of H.R. 6297, the Iran Sanctions Extension Act.

When Congress considered the Joint Comprehensive Plan of Action last year, which I supported, we acknowledged that this deal was not a panacea. It was not designed to resolve the myriad issues that undergird the U.S. and our allies in their relationship with the repressive regime in Tehran and its reprehensible support for terrorist insurgencies throughout the region.

No one agreement is comprehensive. It wasn't in the Soviet era, and it isn't in this era either.

The Iran deal is designed to eliminate Iran's path to developing a nuclear weapon and roll it back in exchange for the lifting of all U.S. nuclear-related sanctions.

Abandoning this deal or reinstating the U.S. nuclear-related sanctions against Iran would be a dangerous course of action, introducing unnecessary risks into an already fraught relationship and into an already delicately balanced multilateral agreement, especially because the deal is, in fact, working. Iran has met the metrics set forth, rather rigorous metrics, in the reversal of its nuclear development program.

However, the scope of the Iran Sanctions Act extends far beyond nuclear-related sanctions, as do our points of contention with the Iranian regime. Iran continues to engage in a variety of unacceptable and destabilizing activities, including domestic human rights abuses, supporting terrorist groups in the region, and advancing an illicit ballistic missile program that is of concern, as Mr. HOYER just mentioned.

We absolutely can and must continue implementation of the Iran deal while simultaneously extending this act as leverage to combat Iran's other unconscionable behavior.

I want to thank the majority for bringing to the floor a clean reauthorization of the Iran Sanctions Act, which in doing so safeguards a longstanding bipartisan consensus to counter Iran, something I think we need, especially after this election, more than ever before.

Again, I commend the chairman and the ranking member for their leadership.

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

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. CICILLINE), another very valued member of the Foreign Affairs Committee.

Mr. CICILLINE. Mr. Speaker, I rise in support of H.R. 6297, the bipartisan Iran Sanctions Extension Act.

H.R. 6297 will extend the Iran Sanctions Act of 1996, as amended, for an additional 10 years through December 31, 2026. If we fail to act, these sanctions will expire at the end of this year.

The Iran Sanctions Act was the first major extraterritorial sanctions on Iran which authorized U.S. penalties against third country firms. It has been an essential part of U.S. sanctions

aimed at denying Iran the financial means to support terrorist organizations and other armed factions or to further its nuclear and weapons of mass destruction programs.

We must confront Iran's dangerous behavior around the world and actions against its own people by extending the Iran Sanctions Act. Iran's ballistic missile program and support for terrorism threatens our regional allies, including Israel.

Also, Iran's blatant disregard for human rights and the human rights of its own people and other nationals, including Americans, is horrific and violates well-established international standards of human rights.

I want to emphasize that the Iran Sanctions Act does not violate the Joint Comprehensive Plan of Action, which remains an important instrument to prevent Iran from acquiring a nuclear weapons capability. Rather, this bill maintains the strong sanctions architecture to inhibit Iran from engaging in dangerous activities that are an anathema to international norms.

We all recognize the significant challenges that remain in our approach to the Iranian regime. We must continue to condemn and work to end Iran's support for terrorists throughout the region, including Hamas and Hezbollah.

This bill enables us to take these steps to accomplish our national security objectives. It is imperative that we impose sanctions for Iran's violations regarding support for terrorism, its ballistic missiles program, and human rights.

I urge my colleagues to pass the Iran Sanctions Extension Act to maintain the current sanctions architecture and to send a strong bipartisan message that we will continue to hold Iran accountable for any terrorist activity.

Mr. ROYCE. Mr. Speaker, I will reserve the right to close, and I reserve the balance of my time.

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

In closing, let me say, with the upcoming transition, we are wading into some uncertain waters when it comes to foreign policy. Congress must do its part to ensure stability and consistency on core, foreign policy issues. There is no better example of that stability than this legislation, which has been on the books for two decades.

I thank Chairman ROYCE for bringing it up. I am proud to be the leading cosponsor with him on the bill. I think this again shows the bipartisan nature of our committee and on foreign policy and how foreign policy ought to be done.

This bill will help ease the way forward with our own transition. It will remind Iran's leaders that we still have a lot of contentious issues to deal with; and it will signal to the world that even after a hard-fought election here at home and power changing hands, American leadership on the global stage won't falter.

Again, I thank my colleagues on both sides of the aisle for moving this legislation so quickly. I urge a ''yes'' vote and quick action in the Senate. I hope President Obama will sign this bill and extend this important law.

I yield back the balance of my time.

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

Once again, Mr. Speaker, I want to recognize Mr. ENGEL for his help in bringing this bill to the floor during the 114th Congress. The ranking member and I have been to this floor debating Iran many, many times. For most all of it, we agreed. For some of it, we didn't. But we never doubted each other's sincere views or motives and always conducted the debate in the tradition that is befitting of the Committee on Foreign Affairs and this House.

Mr. Speaker, since it was first passed 20 years ago, the Iran Sanctions Act has been at the center of the U.S. response to the threat posed by the Iranian regime. Despite the Obama administration's dangerous nuclear deal, this law remains critical to U.S. efforts to counter the full range of Iran's malicious activity.

This law will expire at the end of the year if Congress does not pass an extension, denying future administrations a critical tool. Its expiration would compound the damage done by the President's dangerous nuclear deal and send a message that the United States will no longer oppose the destructive role of Iran in the Middle East; and that is why we are acting today to provide clear statutory authority to reimpose or snap back many of the most powerful sanctions on Iran's energy industry if the regime rushes toward a nuclear weapon.

I look forward to putting this bill on the President's desk for his signature before the end of the 114th Congress and then returning next year to work with Mr. ENGEL, to work with a new administration, to work with all the members of the Committee on Foreign Affairs as the United States and our allies confront the growing aggression of the Iranian regime.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of extending the option of sanctions against Iran by passage of H.R. 6297, the Iran Sanctions Extensions Extension Act, which reauthorizes the Iran Sanctions Act of 1996 for 10 years.

As a Senior Member of the Homeland Security Committee, and Ranking Member of the Judiciary Committee's Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, I am very much aware of what is at stake in the work done by President Obama to ensure that Iran does not have the breakout capacity to build a nuclear weapon.

Events over this Congress make it clear that Congress should be even more vigilant in providing for the protection of the United States.

Congress should be mindful of the:

United States' leadership in the effort to forge an enforceable and verifiable nuclear agreement with Iran; and

Deadliness of chemical weapons when they were used during the Syrian conflict against unarmed men, women, and children.

H.R. 6297 allows Congress the option to impose sanctions, but does renew the imposition of sanctions.

As Congress continues to review the Joint Comprehensive Plan of Action (JCPOA), which resulted in the significant reduction in Iran's capabilities to develop a nuclear weapon, we must continue the peaceful and verifiable efforts to cut off Iran's pathways to a nuclear weapon.

President Obama and current and former Secretary of State John Kerry and Hillary Clinton were successful in the pursuit of global sanctions and gained the cooperation of the world, including Russian and China, which was critical in bringing the Iranians to the negotiation table on their nuclear arms program.

We should retain in our arsenal the option to impose sanctions so that if necessary the United States can act quickly to coordinate a global response to any threat posed by Iran's verified breach of the JCPOA.

Declaring sanctions for the sake of declaring sanctions against Iran should never be the objective, nor should we forget that the effectiveness of sanctions are their global nature.

Under President Obama's brilliant leadership the United States had the stature around the globe to impose sanctions, and the diplomatic ties to gain global cooperation to expand participation in Iranian sanctions because we could make the case that Iran's nuclear program posed an international threat to peace and stability.

The United States is the world's foremost authority on radiological weapons grade material detection and source identification.

The Department of Homeland Security is leading the effort through its Domestic Nuclear Detection Office (DNDO) to create a Global Nuclear Detection Architecture, which should be aggressively supported with sufficient funding by Congress.

Recognizing the threat posed by nuclear and other radioactive materials, DNDO was created by National Security Presidential Directive (NSPD)–43 and Homeland Security Presidential Directive (HSPD)–14 and subsequently codified by Title V of the Security and Accountability For Every (SAFE) Port Act (Pub. L. No. 109–347), which amended the Homeland Security Act of 2002.

A key area that the United States has focused its capabilities and resources is blocking the enrichment of radioactive materials for weapons use; and the detection of radioactive materials that would pose a threat to public safety and health.

There are several material facts that must be understood about weapons grade radioactive material—each nation's process for refining nuclear material for use in a weapon is unique.

Radioactive material has a unique spectrum range and composition that is akin to signatures that cannot be confused with other sources of radioactive material both natural and manmade.

The first essential fact is that having samples and data from Iranian facilities where materials in Iran were produced established the radiological signatures for materials that could have only come from those facilities or from processes that follow the methods used by the Iranian nuclear physicists who developed their program.

The United States has those samples and the data needed to identify material from Iranian efforts to purify radiological materials.

The second essential fact is that radiological material leaves evidence of its presence long after it may have been removed from an area.

The physical evidence of centrifuges; storage facilities or weapons themselves are not the only evidence that may convict Iran of violation of the agreement; it can also be the unique Iranian radiation trail left behind during any attempt to refine or purify radiological material for use in a weapon or the transfer of even small quantities of material that is generated or sourced by the Iranians.

The third essential fact is that if the Iranians need special centrifuges to refine radiological material to a point that it may be used for a weapon.

H.R. 6297, assures that any attempt by the Iranians to cheat by refining more radiological material than is allowed will be detected and Congress would be prepared to impose a sanctions regime.

Another significant signal of Iranian violation would be the unique signature of the sound made by centrifuges that are used to purify radiological material make noise.

The sound of these massive centrifuges will be detectable many miles away from where they are operated—and the United States has the resources in place in cooperation with allies around the world to detect if enrichment activity is occurring.

Operating more centrifuges than is allowed by the agreement would be a actionable sign that Iran is seeking to purify more radioactive material than is allowed by the agreement.

This is important to the timeline in calculating the time to breakout—having enough enriched material to use in a weapon.

The final essential fact is that the United States has satellite surveillance and ground surveillance capability to detect in great detail activity on the ground.

The United States used these resources to identify nuclear arms activity that informed the administration of the severity of the issue and used that evidence to galvanize international support for one of the most successful embargoes in human history.

For these reasons, I will join my colleagues in supporting passage of this bipartisan effort to extend by 10 years the period that sanctions may be applied to Iran.

I urge you to join me in support of this bill and the excellent work of the Obama Administration in making the world much safer from nuclear threats.

Mrs. LOWEY. Mr. Speaker, I rise in full support of H.R. 6297—the Iran Sanctions Extension Act. This critically-needed legislation will extend for 10 years U.S. sanctions against Iran's energy sector, which will expire at the end of this year if Congress doesn't act.

These crippling sanctions, in addition to other measures passed by Congress during the last two decades, were the driving force that brought Iran to the negotiating table and ultimately curtailed their nuclear program under the Joint Comprehensive Plan of Action reached last year between our P5+1 partners and Iran.

While there has been much debate over the JCPOA, there should be no question in any one's mind that it must now be rigorously enforced so that Iran is held accountable for its actions. The measure before us today is fundamental to this effort.

In order to 'snap-back' the sanctions temporarily waived by the Administration under the deal, we must keep in place our sanctions infrastructure. Otherwise it would be much harder to quickly re-impose harsh economic penalties on Iran if they cheat or renege on their commitments.

Enforcing the Iran deal, stopping Iran's destabilizing activities in the region, including ballistic missile testing and funding of terrorist groups, and securing the unconditional release of Americans imprisoned by the Iranian regime, must remain our top priorities going forward. That is why I am grateful to Congressman ROYCE and Congressman ENGEL for working together on a bipartisan basis on today's measure and for their leadership on these issues.

For all of us, this is now a critical and challenging moment. We must come together as lawmakers, put aside partisan differences, and abide by our long-standing bipartisan approach to foreign policy. Our national security and security of our allies in the region depend on it.

Thank you and I urge immediate passage of the Iran Sanctions Extension Act.

Ms. MOORE. Mr. Speaker, I rise to express my continued support for the critical nuclear agreement (the Joint Comprehensive Plan of Action or JCPOA) forged to keep Iran from obtaining a nuclear weapon. I believe that agreement remains the best option to prevent Iran from acquiring a nuclear weapon.

Keeping Iran from obtaining a nuclear weapon is a bipartisan priority, which is why the U.S. must uphold the commitments we made under that deal. According to the evidence before me, Iran has largely fulfilled its obligations including limiting its stockpile of uranium, drastically reducing its operating centrifuges, and removed the core of its Arak reactor.

While not perfect, this is one of the most stringent non-proliferation agreements ever negotiated and includes tough verification requirements. The JCPOA has led to real on the ground progress in restricting Iran's nuclear program, something that our nation never achieved even under the most biting sanctions.

Despite any limitations, the agreement is working as intended in the face of many skeptics and naysayers. And we all have a shared interest in helping to continue to foster the fertile ground necessary to support its continued implementation and compliance by both parties.

So I will support a ''clean'' reauthorization of the Iran Sanctions Act authorities even though the President has made clear he has authority under other federal laws (that do not expire) to snap back some sanctions even in the absence of this law. Critically, this bill does not put new obstacles in the way of the U.S. upholding its commitments but intends to essentially reassert the existing status quo. This is unlike other legislation we will consider this week that more directly impact our commitments under the JCPOA.

The stakes at play here are very high for our nation and our regional allies including Israel. So rather than wasting time trying to undermine it, we all must continue to work to ensure the long term success of this deal and the goal we all share of keeping Iran from obtaining nuclear weapons.

We used sanctions to bring Iran to the table, worked with our international partners to secure a strong deal, and now more than ever need to make sure we uphold our end of the bargain.

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 pass the bill, H.R. 6297.

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, the 15-minute vote on suspending the rules and passing H.R. 6297 will be followed by a 5-minute vote on suspending the rules and adopting H. Res. 780.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 14, as follows:

[Roll No. 577]

YEAS—419

Abraham
Adams
Aderholt
Aguilar
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
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
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
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
Evans
Farenthold
Farr
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hahn
Hanabusa
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
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
Lieu, Ted
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
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
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.
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)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—1

Massie

NOT VOTING—14

Comstock
DeSantis
Fitzpatrick
Granger
Gutiérrez
Hinojosa
Lewis
McDermott
Neugebauer
Nugent
Pearce
Poe (TX)
Sanchez, Loretta
Westmoreland

□ 1707

Mr. SENSENBRENNER changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. COMSTOCK. Mr. Speaker, my card did not register. Had I been present, I would have voted "yea" on rollcall No. 577.

Mr. PEARCE. Mr. Speaker, I was not present to vote on H.R. 6297, the Iran Sanctions Extension Act. Had I been present, I would have voted "yea" on rollcall No. 577.

URGING RESPECT FOR THE CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF THE CONGO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 780) urging respect for the constitution of the Democratic Republic of the Congo in the democratic transition of power in 2016, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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 agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 15, as follows:

[Roll No. 578]

YEAS—416

Abraham
Adams
Aguilar
Allen
Amodei
Ashford
Babin
Barletta
Barr
Barton
Bass
Beatty
Becerra
Benishek
Bera
Beyer
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bonamici
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
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Clyburn
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Costello (PA)
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Curbelo (FL)
Davidson
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
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
Evans
Farenthold
Farr
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Graves (GA)
Graves (LA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Grothman
Guinta
Guthrie
Hahn
Hanabusa
Hanna
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins
Hill
Himes
Holding
Honda
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
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
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
Lieu, Ted
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
McGovern
McHenry
McKinley
McMorris Rodgers
McNerney
McSally
Meadows
Meehan
Meeks
Meng
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Newhouse
Noem
Nolan
Norcross
Nunes
O'Rourke
Olson
Palazzo
Pallone
Palmer
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters
Peterson
Pingree
Pittenger
Pitts
Pocan
Poliquin
Polis
Pompeo
Posey
Price (NC)
Price, Tom
Quigley
Rangel
Ratcliffe
Reed
Reichert
Renacci
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.
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
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)
Smith (WA)
Speier
Stefanik
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Titus
Tonko
Torres
Trott
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—3

Amash
Jones
Massie

NOT VOTING—15

Aderholt
DeSantis
Fitzpatrick
Granger
Gutiérrez
Hinojosa
Lewis
McDermott
Neugebauer
Nugent
Poe (TX)
Ribble
Sanchez, Loretta
Schrader
Westmoreland

□ 1715

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WISHING CAMILO FERNANDEZ HAPPY 90TH BIRTHDAY

(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 to wish my good friend Camilo Fernandez a warm and happy 90th birthday.

Like so many Cubans before and after him, Camilo was forced to leave Cuba, his native homeland, because of his deep opposition to the Castro regime. Shortly after arriving in this wonderful country, his new homeland, America, eventually settling in New Jersey, Camilo rose to become a successful businessman and a civil society leader.

His legacy of extraordinary perseverance and commitment to those left behind on the island continues to be an inspiration to the thousands of Cubans still in exile today, but he also remains a beacon of hope for a Cuba that will one day be free of the tyranny of the Communist Castro regime.

I congratulate my friend Camilo Fernandez on his 90th birthday and vow to continue working together for the establishment of a free and democratic Cuba and with respect for the human rights of all of the people of Cuba.

NATIONAL APPRENTICESHIP WEEK

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

Mr. LANGEVIN. Mr. Speaker, I rise today in honor of National Apprenticeship Week. As co-chair of the Career and Technical Education Caucus, I am proud to be joined by my friend and caucus co-chair, Representative G.T. THOMPSON from Pennsylvania, in recognizing this important week. I know he will be speaking in just a minute. I want to thank him for his outstanding leadership on this issue and so many others.

Apprenticeships are a proven method of preparing students for in-demand jobs. By combining on-the-job training with classroom instruction, apprenticeships teach both job skills and how these skills are used in the workplace.

Earlier this year, the House passed the Strengthening CTE for the 21st Century Act. This bill expands opportunities for apprenticeships and even allows teachers to gain direct knowledge of workplace skills.

G.T. and I were proud to help champion House passage of this bill, which received overwhelming bipartisan support. We now urge the Senate to take up this measure before the end of the year to ensure that all students have access to high-quality CTE. It is the exact thing that our economy needs right now. It will close our skills gap, making sure that our workers, our young people, have the skills they need for in-demand jobs today and well into the future.

HONORING POLICE OFFICER CODY BROTHERSON

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

Mr. STEWART. Mr. Speaker, it is with honor but with sadness that I rise today to honor a local hero, 26-year-old West Valley Police Officer Cody Brotherson, who was killed last week in the line of duty.

On Sunday, November 6, around 3 a.m., police were pursuing three individuals in a stolen vehicle. While Officer Brotherson was placing spikes in an attempt to stop this stolen vehicle, he was hit by the car and, tragically, killed. Not only will he be deeply missed by his parents, two brothers, and loving fiance, but by the entire community.

I have had the chance, like many Members of Congress, to go on police ride-alongs, and again and again I am impressed with their hard work, their professionalism, and their willingness to put themselves at risk so that they can protect those of us whom they serve.

Now more than ever, it is important that we recognize these brave men and women who are willing to serve and to protect our communities. Cody was one of these brave ones who ultimately lost his life protecting us.

My prayers go out to the Brotherson family during this extremely difficult time. We will forever be grateful for his and for their sacrifice.

HONORING FORT WORTH POLYTECHNIC HIGH SCHOOL CHEER TEAM

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

Mr. VEASEY. Mr. Speaker, I rise today to congratulate the Parrots of Polytechnic High School and their cheer team on their future performance at the 90th annual Macy's Thanksgiving Day Parade. On November 23, squad members will showcase their talent to the millions at home watching this parade in New York and around the country.

Out of the many video submissions, the team was selected for their athleticism and enthusiasm. But most importantly, they embodied values fitting of Thanksgiving: a spirit of gratitude and togetherness.

While their achievement came as a result of the team's tireless effort, I also want to thank their head coach, Rayneta Dotson, for her dedication and commitment to the Polytechnic High School cheer team.

The entire Fort Worth community is so proud of these exceptional students. I wish them a safe trip to the Big Apple and congratulations on their achievement.

□ 1730

THE UNDOING OF DEMOCRACY IN TURKEY

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

Mr. ROHRABACHER. Mr. Speaker, I rise today to speak about the disastrous undoing of democracy in Turkey and, specifically, the targeting and incarceration of those opposed to Turkish President Erdogan's ruling clique, especially anyone with any association to the Gulen movement as well as ethnic Kurdish leaders.

Since an upheaval in July, President Erdogan has used emergency powers to arrest over 37,000 people and dismiss 100,000 other people from their government jobs. Lawmakers, Supreme Court judges, mayors, journalists, and approximately 14,000 doctors and teachers have been arrested or dismissed—many without due process.

Newspapers and television channels critical of the Turkish Government have been shut down. Twitter and Facebook are filtered, while Internet connections are systematically interrupted. Human rights in Turkey are under severe attack, and the enemy is the Turkish people's own government.

President Erdogan's administration is currently brutally oppressing anyone representing the Kurdish people in that country, including the Turkish political party HDP, which is involved in the democratic process. Perhaps the most bizarre is the repression of the Gulen movement in Turkey, and I would suggest that those people dedicated to education, benevolence, and respect for others should not be oppressed but should be looked at as friends of freedom everywhere.

RECOGNIZING NATIONAL APPRENTICESHIP WEEK

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise in recognition of the second annual National Apprenticeship Week, which commenced yesterday, November 14. This special occasion helps to highlight the value of apprenticeships and educate businesses and individuals about the positive impact they have on our economy.

As co-chairs of the House Career and Technical Education Caucus, my colleague, JIM LANGEVIN of Rhode Island,

and I have advocated for a modernized approach to career and technical education programs and apprenticeship opportunities across the United States.

As part of our commitment, we worked in conjunction with members of the House Committee on Education and the Workforce to introduce H.R. 5587, the Strengthening Career and Technical Education for the 21st Century Act.

This bipartisan legislation aims to help Americans acquire the skills necessary to compete for high-wage, high-demand jobs. Notably, the bill encourages stronger public-private partnerships, increases opportunities for apprenticeships and credentialing, and strengthens support for academic counseling.

H.R. 5587 overwhelmingly passed the House in September, demonstrating the enthusiastic support for career and technical education. I remain dedicated to moving this bill through the legislative process and providing a path forward to those who are looking to better their lives.

HONORING THE LIFE OF BARNARD ''BARNEY'' KING, III

(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, I rise today to honor the life of Barney King of Evanston, Illinois. He passed away on November 4 at the age of 73. He is survived by his wife, Peggy; his sister, Leeanne; his children, Tyler, Caroline and Jamie; and grandchildren, John Henry, Harry, Sofia, Wesley, and Stela.

I got to know Barney through his children, Caroline and Jamie, and I knew the moment I met him that this was going to be a lifelong friend. Barney was well known in the community for his love of his attire—he was a snappy dresser—and his love of life. He could often be found playing croquet or fishing for muskie, traveling with his family, or playing the drums for the Mustangs party band or playing a game of chance over a few adult beverages. Anyone who ever played with him knew, one tie, all tie.

He was also a very generous man, serving as the president of the National Association of General Merchandise Representatives, the president of the Northern Illinois Hockey League, or an area that he encouraged me to get involved in as the president and director of Santa's Volunteers.

Mr. Speaker, our community owes Barney a great debt of gratitude for his service to our community. My thoughts and prayers remain with his family in this difficult time.

THE ROSE: THE NATIONAL FLORAL EMBLEM OF THE UNITED STATES OF AMERICA

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

Mr. FLEMING. Mr. Speaker, November 20 of this year marks 30 years since President Ronald Reagan signed a proclamation declaring the rose as the National Floral Emblem of the United States of America. The rose takes its rightful place as one of our Nation's symbols, along with the American flag, our national motto—In God We Trust—and our national anthem.

Based in Shreveport, Louisiana, the American Rose Society promotes the appreciation of the rose and proudly bears the heritage of being the oldest single-plant horticultural society in our country.

The American Rose Center's gardens also display over 65 separate gardens and 20,000 different rosebushes for visitors, enthusiasts, and gardeners to all enjoy.

I join the American Rose Society in celebrating this occasion, remembering the words of President Ronald Reagan from 30 years ago: ''The American people have long held a special place in their hearts for roses. Let us continue to cherish them, to honor the love and devotion they represent, and to bestow them on all we love just as God has bestowed them on us.''

CONGRATULATING GRASS VALLEY SURGERY CENTER

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

Mr. LAMALFA. Mr. Speaker, I rise today to congratulate the Grass Valley Surgery Center located in Nevada County in northern California for being recognized as the California Ambulatory Surgery Association's ACS of the year.

This award, which acknowledges the excellent strides that have been made in the areas of engagement, advocacy, quality, education, and community involvement, serves as a testament to the hard work and dedication displayed by the administration, surgeons, physicians, and staff on hand at the Grass Valley Surgery Center.

I visited several times the location and had an opportunity to tour the surgery center and learn more about the high-quality, cost-effective services they provide, including procedures in general surgery, gynecology, orthopedic, pain management, podiatry, and urology.

I am very grateful for their presence, as are our constituents in northern California and Grass Valley. This serves as a model of how to make health care more efficient and reach more people in the United States.

Congratulations to them on this recognition.

NATIONAL BIBLE WEEK

The SPEAKER pro tempore (Mr. BRAT). Under the Speaker's announced policy of January 6, 2015, the gentleman from Colorado (Mr. LAMBORN) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. LAMBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the subject of this Special Order.

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

There was no objection.

Mr. LAMBORN. Mr. Speaker, I appreciate the opportunity to come to the House floor tonight to commemorate National Bible Week. We are truly blessed to live in a nation where we are free to worship and read the Holy Scriptures without fear of persecution. There are so many places throughout the world where such freedoms do not exist.

In 1941, 75 years ago, mere days before Pearl Harbor, President Franklin Delano Roosevelt declared the week of Thanksgiving to be National Bible Week. Every U.S. President down to today has likewise declared this time of year to be National Bible Week.

The National Bible Association, in agreement with the U.S. Conference of Bishops, has designated the specific days of November 13 to 19 as National Bible Week this year. This is the week that we can all agree is National Bible Week, and we can recognize the Bible as a foundational building block of Western civilization, the Judeo-Christian heritage, and the legacy that motivated and shaped the founding of the United States.

In this hour, we will hear from Members of Congress about why the Bible is important and what it means to them. We are here to recognize National Bible Week.

My own experience with the Bible began in 1973, when I was an 18-year-old freshman at the University of Kansas. I was approached by some people who asked me if I knew what was in the Bible. I said that I believed I knew what it was all about, however, I had never read any of it for myself. The only honest thing I could do at that point was to read it for myself. When I read the Gospel of John, I ended up discovering a personal relationship with Jesus Christ, who became my Lord and Savior. In that Gospel, He said: I am the way, the truth and the life. No one comes to the Father but through Me.

Mr. Speaker, I don't know where in their spiritual journey people may be who are listening tonight, but I do know this: it is better to read the Bible for oneself and not just to take someone else's word for what is in it. For me, it made all of the difference in the world.

Mr. Speaker, as we celebrate National Bible Week, we remember the importance of faith in both our private and public lives. We recognize the Bible's powerful message of hope. We cherish the wisdom of the Bible, and we thank God for providing this Holy

Book that has been truly a lamp unto our feet and a light unto our path.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. FORBES) who is a valuable member of the Armed Services and Judiciary Committees. Representative RANDY FORBES will be leaving Congress at the end of this year, and he will be truly and sorely missed.

Mr. FORBES. Mr. Speaker, I thank Mr. LAMBORN for his work in this area and for doing this Special Order. Mr. LAMBORN talked about the impact the Bible had on his life. The Bible began having an impact on my life long before I was born.

This little book is over 75 years old. It is called the ''Heart-Shield Bible.'' Inside of it, it has my father's name, and it says: ''From Mother and Daddy.'' It was given to him when he was 19 years old, just before he left to go fight in World War II. He ended up at Normandy, not with the initial invasion, but a little while after that. Somewhere in Europe—I don't know where it was—he opened this book and he read it.

Now, the theory of this book was it had a gold plate on the front, and it was supposed to be put in your pocket and protect your heart if you were shot. I don't know that it ever did that, but it changed his heart. He made a promise in those foxholes that if he got back home, he would have his family—which he didn't have at the time—in church every single Sunday. I know a lot of GIs made promises that they left when they got on the ship to come back. He never did.

So that little book that he read not only transformed his life, not only gave him the courage and the faith to get through that war, but it changed his children and his grandchildren, and it continues to change his great-grandchildren to this day.

In my office I always kept a Scripture and something that was offered by Chaplain Peter Marshall on the floor of the Senate on March 18, 1948.

It said this: ''Our Father in Heaven, save us from the conceit which refuses to believe that God knows more about government than we do, and the stubbornness that will not seek God's help. Today we claim Thy promise: 'If any man lack wisdom, let him ask of God, who giveth to all men liberally and it shall be given to him.' Thou knowest, Lord, how much we need it. Make us willing to ask for it and eager to have it. In Jesus' name we pray. Amen.''

That Scripture from James 1:5 should serve as a guidepost for those in leadership today.

Our Nation is on the cusp of great opportunities, but our future, nevertheless, remains fraught with challenges. America is at a crossroads. Each of us must, with humility, seek wisdom and truth as we make decisions in the days ahead.

I can think of no single book that offers that wisdom and truth more than the Bible. I thank Mr. LAMBORN again for allowing me to be here.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Virginia. I appreciate the words, the wisdom, and the heartfelt nature of what he just spoke to.

I yield to the gentleman from the great State of Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I thank the gentleman for his efforts tonight to call attention to this.

Mr. Speaker, I am thankful for the opportunity we are afforded here to speak of the impact of the Bible in our lives as well, and, more importantly, the impact the Bible can have on all lives.

I was a young boy when I was encouraged to memorize a simple little verse, John 3:16, which said: ''For God so loved the world that He gave His only begotten Son that whosoever believe in Him should not perish but have everlasting life.''

When I put my name in that place in the world, it meant everything in the world to me. With Jesus Christ as my savior, it has impacted my life.

Mr. Speaker, noted historian, Will Durant, once stated: ''The greatest question of our time is not communism versus individualism, not Europe versus America, and not the East versus the West, it is whether men can live without God.''

Mr. Speaker, that question, it now appears, will be answered in our own time.

□ 1745

God has left us with a direct message on life and how to live life with God, and that message is the Bible, a book that is, sadly, being pushed out of the mainstream of our country in many ways. Sadly, we are seeing the results in broken homes, dysfunctional societies, upheaval that is going on. Sadly, those results impact us here in government as well. Yes, we can still read the Bible, but freedom to live it out is in question, and I wonder why.

Dostoyevsky stated it this way. He said: ''When God is dead, anything is permissible.''

And Joseph Stalin suggested that ''America is like a healthy body and its resistance is threefold, its patriotism, its morality, its spiritual life . . . If we can undermine these three areas, America will collapse from within.''

Mr. Speaker, these are sobering statements.

The Bible that we honor in a special way today and throughout this week addresses the preceding statements with great clarity when it affirms in Proverbs 14:34: ''Righteousness exalts a nation, but sin is a reproach to any people.''

This is why I believe a signer of the Declaration of Independence named Jonathan Whitherspoon declared it this way. He said: ''A republic once equally poised must either preserve its virtue or lose its liberty.'' Whitherspoon, who was also a minister, made this statement in the context of virtue being defined by God's truth as contained in the Bible.

I am certain that he could have quoted Psalm 1, as it says: ''Blessed is the man who walks not in the counsel of the ungodly, nor stands in the path of sinners, nor sits in the seat of the scornful; but his delight is in the law of the Lord, and in his law he meditates day and night. He shall be like a tree planted by the rivers of water, that brings forth its fruit in its season, whose leaf also shall not wither; and whatever he does shall prosper. The ungodly are not so, but are like the chaff which the wind drives away. Therefore, the ungodly shall not stand in judgment, nor sinners in the congregation of the righteous. For the Lord knows the way of the righteous, but the way of the ungodly shall perish.''

It was words of a psalmist. Plainly, honoring the Bible in one's life brings success, while rejection of the Biblical truth brings defeat.

Mr. Speaker, one of my favorite Bible verses, a verse that means a lot to me as I think at the end of each day and pray and ask certain questions in my own life, is II Timothy 2:15. It says: ''Be diligent to present yourself approved to God as a workman who does not need to be ashamed, accurately handling the word of truth.'' In that simple, eloquent, little verse, it says in the end what matters. First, is God pleased with your day? Has his work been done well? And, finally, has the Word, the Bible, been used well? If the Bible has been used well by individuals or a nation, we will do well.

John Clifford wrote a poem that I will end with today. In that poem he says this:

''Last eve I paused beside the blacksmith's door, and heard the anvil ring the vesper chime;

Then looking in, I saw upon the floor, old hammers, worn with beating years of time.

'How many anvils have you had,' said I, 'to wear and batter all these hammers so?'

'Just one,' said he, and then with twinkling eye,

'The anvil wears the hammers out, you know.'

And so, I thought, the anvil of God's Word for ages skeptic blows have beat upon;

Yet, though the noise of falling blows was heard, the anvil is unharmed, the hammers gone.''

Isaiah 40:8 confirms: ''The grass withers, the flower fades, but the Word of our God,'' the Bible, ''stands forever.''

Mr. LAMBORN. Mr. Speaker, I thank the gentleman for his words.

In a moment, we are going to hear from Representative VIRGINIA FOXX of North Carolina. But let me briefly mention first how the Bible was foundational to the development of our country.

Many of the early American settlers came to the New World with the express purpose of following the Bible according to the convictions of their own

consciences. One of the first acts of Congress during the tumultuous beginning of our Nation was the authorization of an American published Bible. The war with the British had cut off the States' supply of Bibles from England. Our Founding Fathers understood how important it was for the American people to have Bibles, so in 1782, Congress reviewed, approved, and authorized the first known English language Bible to be printed in America.

Throughout American history, many of our great leaders have turned to the Bible for guidance, hope, and faith. President Abraham Lincoln once said of the Bible, in regard to this great book: ''I have but to say, it is the best gift God has given to man. All the good the Savior gave to the world was communicated through this book. But for it we could not know right from wrong. All things most desirable for man's welfare, here and hereafter, are to be found portrayed in it.''

And President Ronald Reagan, in his own National Bible Week declaration, which we are celebrating this week, wrote, when he was in office:

When I took the oath of office, I requested the Bible be open to II Chronicles 7:14, which reads: ''If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways, then I will hear from Heaven, and will forgive their sin, and will heal their land.'' This passage expresses my hopes for the future of this Nation and the world.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. LAMBORN) for organizing this Special Order tonight.

Mr. Speaker, I am rising also to join my colleagues to commemorate the 75th annual celebration of National Bible Week. And I want to thank all of my colleagues for giving us such wonderful history lessons and quotes about how important the Bible has always been to our country, and particularly to the Founders of our country.

As I stand here tonight, I am looking straight up at the full face of Moses looking down on us. When I have people in the Chamber, I point out to them that around the top of the Chamber are profiles of ancient lawgivers. The only full-face figure is that of Moses, who looks straight down on the Speaker's podium. I think that it is so important that people understand that we are a Judeo-Christian country and that the Bible, both the Old and New Testament, are so important to us.

As we approach this celebration, Mr. Speaker, which is traditionally held during the week of Thanksgiving, it is important to take a moment and reflect on how this Good Book has changed the course of history, stood as a guiding light for the world, shaped our Nation, and inspired countless lives.

The Bible is a precious gift from God to his people that teaches us how we ought to relate to our Creator and how to love our fellow human beings during times of turmoil, confusion, and strife. I can think of no more important source of guidance than this deep repository of fundamental and universal truth.

It offers us hope when circumstances are dire and is a source of strength when our human frailty brings us low. When we are surrounded by darkness, as the psalmist wrote, the Bible ''is a lamp to our feet and a light to our path.''

I hope it will be encouraging to the American people to know that there are people in the Capitol who make every effort to live their lives by the precepts of the Bible. We have many Bible studies and prayer groups that meet every week here. In fact, the National Prayer Breakfast grew out of our weekly bipartisan prayer breakfast in both the House and the Senate. I have collected some of the stories told in the House prayer breakfast in a book called ''God Is in the House,'' which people are telling me is a great inspiration to them.

Today, I offer a prayer of gratefulness for this gift of God's Word and encourage my fellow Americans to dig deep into the Good Book and discover for themselves what riches it has in store for them.

Mr. LAMBORN. Mr. Speaker, I thank the gentlewoman for her well-spoken remarks and the heartfelt nature of what she shared.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. JODY B. HICE).

Mr. JODY B. HICE of Georgia. Mr. Speaker, I thank the gentleman for yielding and for leading this Special Order.

Mr. Speaker, I rise, as have my colleagues, to celebrate one of the most significant and remarkable books in human history—certainly to my life—and that is the Bible. As a servant of Christ and, in fact, a pastor for nearly 30 years, it is my honor to join all of my colleagues this evening in recognizing the importance of the Bible and its incredible impact on my life, on many of our lives, and certainly on the life of our Nation.

Mr. Speaker, the Bible speaks to the greatness of God. It speaks that he is the object of true worship, that he is the fount of all blessings, and that he is, in fact, our redeemer, our friend, our savior, and our judge.

I don't even know where to start when it comes to having favorite verses. There are just so many. I read it daily. It is a part of the beginning of every day of my life. But one of those verses that I believe is so appropriate for right now comes from Hebrews 4:12 that really deals with the importance of God's Word in our lives. It very simply says that the Word of God is alive and active, that it is sharper than any double-edged sword, that it penetrates even to the dividing of soul and spirit, joints and marrow, and it judges the thoughts and intentions of the heart.

I think our country has pretty much always recognized the unseen power of Almighty God as it relates to our fortunes as well as our destiny; and I believe now, more than ever, our Nation would do well to return again to the Bible for guidance in these critical days that we are facing.

This week, communities, pastors, churches, and leaders all across America are going to be celebrating National Bible Week. They are going to be reading it. They are going to be reflecting on it. They are going to be talking about, in discussions and so forth, just how the Bible can help each of us lead a better life, frankly, because it points us to personal forgiveness and personal life transformation through faith in Jesus Christ.

Mr. Speaker, I believe it is our responsibility as leaders in this country to remind Americans of the significance of the Bible to our individual lives, to our history, to our national life, and certainly to the culture that we have here in America.

One of our late Presidents, Theodore Roosevelt, actually did this while he was in a conversation with the son of a very close friend of his who was entering the mission field, and this statement, I believe, just says so much in this regard. He said:

I have told you so many times that I consider the Christian ministry as the highest calling in the world, most intimately related to the most exalted life and service here and destiny beyond.

But then, as President, he said this:

And I consider it my greatest joy and glory that, occupying a most exalted position in the Nation, I am enabled, simply and sincerely, to preach the practical moralities of the Bible to my fellow countrymen and to hold up Christ as the hope and savior of the world.

□ 1800

What a statement by one of our Presidents.

Mr. Speaker, I just want to again commend my good friend, DOUG LAMBORN, for holding this Special Order. Obviously, we gain tremendous insight, inspiration, and guidance from the Scriptures. The light of God's Word shines through us most when we hold fast to these principles and apply them to our daily lives. Again, I thank the gentleman for this opportunity.

Mr. LAMBORN. I thank the gentleman from the great State of Georgia for being here, for sharing, and for his background. People come to Congress with all kinds of different backgrounds, and having one or more pastors, which we do here in the body, adds a valuable thread of experience and thought that helps us all.

One reason many people respect the Bible is that so many prophecies for telling future events have come true exactly as foretold. In the Old Testament, there are many predictions that were given to prove if a speaker were divinely inspired. If and when these predictions came true, it validated the words of that prophet. The Book of Daniel, for instance, contains scores of detailed prophecies that were literally

fulfilled. Skeptics have fallen back to the position that Daniel must have been written after the fact and is misrepresenting itself. In fact, Daniel is found in its entirety in the Greeks' Septuagint and partially in the Dead Sea Scrolls, both of which we know predated the events that were prophesied. The rise and fall of empires, the capture and destruction of cities, and the destiny of kings all were prophesied about in minute detail, and archeology and history have literally confirmed hundreds of such prophecies as having come true.

I now yield to a friend, the gentleman from the great State of North Carolina, ROBERT PITTENGER.

Mr. PITTENGER. I thank Congressman LAMBORN so much for his leadership on this. What an inspiring evening.

Mr. Speaker, as a little boy, I was taught that little song: ''Thy Word is a lamp unto my feet and a light unto my path.'' Now, I am no Cliff Barrows, but I have carried that song with me my whole life. In fact, I do want to make a testament about Cliff Barrows, for he went to be with the Lord today. Cliff Barrows—a great saint who led the crusades for Dr. Billy Graham for nearly 70 years—is now singing praises in Heaven. I was thinking earlier that Cliff will be greeting those tens of thousands of people who come forward, singing just as I am.

As we look at the Word of God, we find truth. As we read in John, Chapter 1: ''In the beginning, it was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God.''

Now, I didn't know that Word until November 2, 1969, at 10:30 p.m., on a Sunday night, when I gave my life to Christ. I wasn't too theological. I just said: ''Lord, I give up. You lead my life.'' When that happened, I had an insatiable desire to read the Word of God. I would stay up, when I was a senior in college, and I would read the Word of God at midnight and later on into the early morning because it fed my spirit, it fed my soul, and it gave me direction in my life.

I didn't know much about the Bible. I went to church. I guess they drug me to church, for you can still see the heel marks in the ground. I knew a lot about church, but I didn't know a lot about His Word; so I went out to a place that was the Campus Crusade for Christ. They had a mini seminary for 6 weeks, and I learned more there about the Word of God. I then ended up joining the Campus Crusade and was there for 10 years.

I went through a couple of years of seminary classes, but the Word of God is what gave me stability in my life and is what gave me perspective in my knowing that He knew much better about me and my future and had a greater wisdom about my life than I knew and that the best that I could do was partake in His knowledge. The more I knew about Him, the greater my life and the more peaceful my life and the more direction I would have in my life to fulfill His God-given mission.

So the Word of God is our hope. It is the hope for this country. Frankly, in reality, the more our Nation is right in a vertical path with Him, horizontally, we will be in good shape the more we are consistent with the precepts of His Word.

Frankly, George Washington knew that. On one occasion, I was down at Mount Vernon. Many years ago, I was here, working with Dr. and Mrs. Bill Bright as they started the Christian Embassy back in the mid-1970s, and we went down to Mount Vernon. In the casing was the Bible that George Washington read from. It was all marked through. He knew the Word of God. He studied it. I have read his diaries. He went every Wednesday night to vespers. He rode on his horse to church every Sunday. He committed himself to knowing the Word of God. That is why he became the great leader that he was.

So I thank the gentleman, Mr. LAMBORN, for his leadership, for his heart, for his understanding, for his perspective, and for committing himself to giving honor to the Word of God tonight.

Mr. LAMBORN. I thank the gentleman and appreciate his remarks.

Let me say something about manuscripts, which are the historical evidence for the text of the Bible. The Bible that we acknowledge during this National Bible Week has come down to us in history through manuscripts that were written centuries or millennia ago. These manuscripts are more numerous by an order of magnitude than any other classical text and go back much closer to the time of origin than any classical text.

For instance, the Histories of Herodotus, which, actually, I read recently, are based on eight manuscripts that come about 1,300 years after the original version. By contrast, the New Testament has over 20,000 manuscripts, some of which go back mere decades after the original version. The Dead Sea Scrolls proved that the Hebrew text of the Old Testament, which came down from other sources, is, indeed, accurate and reliable to the letter.

I now yield to the gentleman from Ohio, Representative BILL JOHNSON, my friend and colleague.

Mr. JOHNSON of Ohio. I, too, want to thank my colleague from Georgia—not from Georgia but from Colorado. I have lived all over the country, so I get confused about where some of my colleagues are from. I thank my colleague from Colorado for doing this this evening.

God's Word has meant so much to me in my life. I can remember being a young boy and being raised on that two-wheel, wagon-rut mule farm, where every day was a survival day—no indoor plumbing, up before dawn, going to bed way after dark. Every day was a workday except Sunday. I remember going with my grandfather, who was a superintendent of the local church. As a very young boy, he would let me hold onto the rope as he would pull the bell to signal that it was time for the community to come to worship. The rope would swing me up into the rafters, and my grandfather would stand there, making sure I didn't fall and hurt myself. It was like going to Six Flags for me as a kid.

I remember, as a young boy, being exposed to the words in this book when I was in the backroom of that little church, learning for the first time the great stories of the patriarchs and matriarchs of the Scriptures: Abraham, Jacob, Isaac, Moses, King David, the Apostle Paul, and, of course, our Savior Jesus Christ. I went through my life with some of those foundational faith principles that were taught to me at that point. All of my life, I wanted to find out where all of that came from.

I had an opportunity to visit the nation of Israel—the Holy Land—in 2014. I thought about that visit before I went, and I thought I would like for this to be more than just an official visit. I would like for it to be personally meaningful; so I prayed about that. I said, ''God, can you let me get something from this visit that I can take back and share that will be revealing?'' and he did. As I walked in the footsteps of Abraham, across the Hebron valley—when he was taking Isaac to Mount Moriah—and when I stood on the Temple Mount, when I stood in the Garden Tomb, a revelation came to me, and that is the reason that America's heart is so intertwined with our friends in Israel—it is that our lineage is one and the same.

The Scriptures tell us that a little place that is a little southwest of modern-day Jerusalem is where God told Jacob: Your name is no longer going to be Jacob, but your name is going to be Israel; and I am going to make a nation come from you, and this shall be your land.

It occurred to me at that point that our lineage and the lineage of the nation of Israel is exactly one and the same because, if you go back to our founding documents—to our Declaration of Independence—it claims that our unalienable rights of life, liberty, and the pursuit of happiness come not from man, not from government, not from Presidents or from legislative bodies, but from our Creator.

John Adams said that the Constitution of the United States is a document that is designed to govern a people who live by Christian principles and that it is wholly inadequate for any other. Today, we seem to think that you have to be perfect to experience God's redemption in your life.

I am reminded of First Chronicles, Chapter 4, the story of Jabez. He prayed: O God that You would bless me, indeed, that You would expand my territory, that Your hand would be

upon me, and that You would keep me from evil that I might not cause pain.

We never hear about Jabez at any other time in the Bible, but we know what God said to him. Because Jabez was a righteous man, God answered his prayer. You will notice that the Scriptures didn't say because Jabez was a perfect man. They said because Jabez was a righteous man—that he had a heart after the Father's.

In America today, we hear about so much of the division and of even division here within the legislative branch—within parties and across party aisles. We sometimes forget that the Bible talks about politics. You will hear oftentimes ''don't mix religion and politics.'' The Bible talks about politics. Go read Daniel, Chapter 6. Daniel, Chapter 6 is like a session of Congress. We all know the story.

Daniel was an overseer who was appointed by the king. He was selected as a commissioner, one of the leaders of the overseers, like a leader here in the House, perhaps. Some of the people didn't like how much favor Daniel was getting with the king, and they began to conspire against him. You know the story. They set it up so that Daniel had to be thrown in the lions' den. We know that God spared Daniel and shut the mouths of the lions, and the conspirators suffered the same fate. They were fed to the lions by the king.

Yet we don't go far enough into that to remember what Daniel did as a politician. You see, Daniel never went to the king and said: Hey, you have abandoned me. You stabbed me in the back. I have been your guy all of this time, and now you are going to throw me to the lions after I have stood up for you all of this time?

He never went to his other commissioners and said: I thought you guys were with me. I thought we were all in this together, and now you are conspiring against me.

No. What Daniel did was he said: King, I am your guy. I am still going to be your guy, but what I am not going to do is give up my principles upon which I stand—my belief and faith in my God. If you want to throw me in the lions' den, throw me in the lions' den.

You see, Daniel knew something that we as leaders—that we as a nation—need to get back in touch with, which is that God doesn't expect us to do His job. Daniel knew he was not the changer; rather, he was the change agent.

□ 1815

We are here for a short time to simply be salt and light. That is our role. Yet, today we get distracted by everything that comes across the news media or the Internet. We believe it to be the truth when this document, this book, is the author of truth.

John 8:31–32 says: Jesus said to the Jews that believed in Him, '' . . . abide in my word and you will truly be my disciples; and you will see the truth, and the truth will set you free.''

Folks, much of what ails our Nation—much of what ails our Nation could be solved if we would simply get back in touch with our first true love, the true love that is proclaimed in our Declaration of Independence and our Constitution and that our Founders believed in, the author of truth. It is found in this book.

Thank you to my colleague for allowing me a few minutes to speak tonight. I have wanted to do this for a long time. God bless you.

Mr. LAMBORN. Mr. Speaker, I thank Representative JOHNSON for what he shared. It is truly appropriate for this National Bible Week. I appreciate how he talked about the ties between Christianity and Judaism and the Judeo-Christian ethic, which ties it all together and how you observed that during your recent trip to Israel.

There are many archeological discoveries which have validated Biblical accounts, giving trustworthiness to the Bible we acknowledge during this National Bible Week. Time and time again, archeology has shown the Biblical personalities, locations, and events actually existed in time and space. Claims by critics that a Biblical statement was simply made up have been debunked by later archeological discoveries more times than we can say.

The Jewish archaeologist Nelson Glueck has said: ''It may be stated categorically that no archaeological discovery has ever controverted or contradicted a biblical reference.''

I now yield time to the gentleman from California (Mr. LAMALFA). He will talk about this National Bible Week.

Mr. LAMALFA. Mr. Speaker, I thank the gentleman from Colorado (Mr. LAMBORN), who not only shares the first 13 letters of our combined names, but a deep reverence and recognition of the importance of the Bible in our Christian faith.

So I am glad to be able to join you and our other colleagues here in recognizing the 75th anniversary of National Bible Week.

The Bible is indeed the living, unerring Word of God. The Founders recognized that, as the gentleman from Ohio (Mr. JOHNSON) alluded to. Indeed, our form of government is more successful when we follow a standard that is separate from ourselves, a standard that lives in a timeless space, beyond what today's fads are and what today's feelings or thoughts are. The Bible is unerring in that since it is the Word of God. So it is for us to recognize this and put those words into action.

Some might say: Well, why are they talking about the Bible on the House floor? Why are they talking about religion and mixing that in with government?

Well, the Founders provided not freedom from religion, but freedom to express our religions, no matter what type it is in this country. Still, this one is based largely on Christianity and the Judeo-Christian values we have, but there is the freedom to express other ones as well.

In these times, there are those who would try to oppress those with false gods, worship of nature, worship of things, and subdue our abilities to worship as we please. In these times, these oppressions seem to be more and more apparent all the time.

Still, we soldier on and we ask God's guidance and pray for the light to be shown to others on what this is. This is not a judgmental thing. We don't judge others. God is the judge. We live by a code that is in the Bible or we try to.

One important verse, Romans 3:23, says: ''For all have sinned and fall short of the glory of God.''

That is why we have to seek Him; we all fall short. It is not judging of one versus the other because they are all in the same lot.

So there are many places you can point to in the Bible that has much wisdom. I recommend you read the whole thing. I, at this point, am reading it front to back. I have never really done that before, read it all the way through. I am in Acts right now. In life, when you go to Bible school, Sunday school, or through church, you maybe tend to hop and skip around. But reading the Bible front to back, it really becomes fascinating.

Every word in there is in there for a purpose. Even when you are reading through a whole list of names you may have never heard of or hear of again—so-and-so begot so-and-so and lived 120 years and then he died and things like that—it may not be apparent in the beginning, but there is an important reason why those words are in there. They are in there to chronicle time, to chronicle who was important in those early days all the way through to the prophesy you find in Revelation, which is very, very important to understand what our future may hold.

So some of the things I like to live by: you can find so much in Proverbs, which indeed much of it could be seen as perhaps a book of best practices, tools to use in life. Much of Proverbs is the document laid down by King Solomon to his son, Rehoboam—the best practices in speaking to his son.

A portion that I like especially and is a part of what I like to use as a model for conduct in this difficult role we find ourselves in as elected officials in a town full of temptation, full of possible bad choices that we have seen others who have fallen to these bad choices is in Proverbs 4:18–27.

It says: ''The path of the righteous is like the morning sun, shining ever brighter till the full light of day. But the work of the wicked is like deep darkness; they do not know what makes them stumble. My son, pay attention to what I say; turn your ear to my words. Do not let them out of your sight, keep them within your heart for they are like life to those who find them and health to one's whole body. Above all else, guard your heart, for everything you do flows from it. Keep

your mouth free of perversity; keep corrupt talk far from your lips. Let your eyes look straight ahead; fix your gaze directly before you. Give careful thought to the paths for your feet and be steadfast in all your ways. Do not turn to the left or the right; keep your feet from evil,'' which indeed in this business keeping on that right path, do not be drawn into temptation, do not go to the left or the right where evil might be.

Best practices are in Proverbs. Indeed it is one of my favorites, but there is so much to be gleaned from reading all the way through the Bible and going back and understanding what that means. This is why small-group Bible study is important. Our church leaders who are imbued with this knowledge, you can learn from that and apply that to your life and be successful in your life not only here, but in the very important hereafter.

Our Founders were inspired by that. When you take the perfect unerring effect of the Bible and apply that to maybe what is the closest as possible to perfect of something created by man: our Constitution, our Bill of Rights, what came from the Declaration of Independence. They were inspired by Biblical truths. That is why, in this unjudgmental way that we try to live, they are almost perfect documents because they are divinely inspired by the Bible.

So as we celebrate the special anniversary this week, know that my colleagues here are indeed well-meaning in sharing this. From Genesis to Revelation, you will find the truth in there, which is a very profoundly powerful message.

I thank the gentleman from Colorado (Mr. LAMBORN) for the time and for having this Special Order tonight on this very important and profound week of recognition for our Bible.

Mr. LAMBORN. Mr. Speaker, I thank the gentleman from California (Mr. LAMALFA) for sharing those thoughts with us.

The Pacific Ocean all the way to the Atlantic is covered by our speakers today. We had East Coast speakers from Virginia, North Carolina, and Georgia. We had a speaker from Michigan up on the Canadian border. And our next speaker will be from Texas on our southern border. So the entire country is represented. That is fitting because National Bible Week is for the entire country. It is the 75th anniversary of this celebration.

So the entire country of America has been blessed throughout history, as we talked about several times already tonight. It is so appropriate that we can have speakers from all over the country.

I yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, this is the 75th anniversary of National Bible Week. Isn't it interesting that National Bible Week was first proclaimed 2 weeks before World War II broke out?

The Nation really rallied and rallied behind Franklin Roosevelt's call to pray together, the President that went on national radio on D-day and led the Nation in prayer. I am sure if he were to try to do that today if he were alive, then people would be freaking out that the President was leading in prayer like that.

There are so many examples from World War II where we could say: Wow, wasn't that a coincidence? The Germans ran out of gas at just the right time. This German general or commander got confused at just the time they were about to get enough gasoline to refill and refuel and keep the Battle of the Bulge going. There are so many little things.

A fellow in Iowa earlier this year had told me that coincidence is what we have when you don't notice God's at work. I am still chewing on that.

In the first hundred years, about a hundred years after the founding, the U.S. Supreme Court had a case involving Trinity Church. They went through and reviewed all the evidence and declared this is a Christian nation. It didn't mean everybody in America was a Christian at all. Nobody has to be. They have the freedom to say God doesn't exist.

The freedom that comes from a government based on Biblical word is a freedom that cannot be obtained under any other religious teaching. That is why, when I had a chance to meet Retired General Jay Garner again back in September, I asked him again: What happened?

President George W. Bush sent him over into Iraq and asked him to find out what the Iraqi people felt like we should try to give them as a government.

Now, I would say let them choose their own government. We shouldn't be trying to push anything.

General Garner did a brilliant job, but he went with some other people—one was a reporter and he had people from the administration with him—and he was told: ''You have got to talk to this direct descendant of Muhammad and see what he says, because people really listen to him being a direct descendant of Muhammad.''

A black turban also is an indication apparently of being a direct descendant of Muhammad, from what we were told.

Then he said: Look, I am going to tell you what I think we need here in Iraq. I will do that in my language, and then I will tell you in English since you are recording everything.

And so he spoke for quite some time. And then he said: Okay, in a nutshell, what I have said is basically we need a government that is composed of Iraqis and that it is based on a constitution that Iraqis put together and that constitution is based on the teachings of Jesus.

And General Garner, when he got outside, he turned to the reporter and everybody and asked: ''Did you guys all hear that? Did he really—''

They all said ''yes.'' He said it should be based on the teachings of Jesus.

When you think about it, it makes perfect sense. If you base a government on the teachings of anyone else, then ultimately there will not be true freedom in that nation.

□ 1830

This is a New Testament that belonged to my uncle, and it has ''May the Lord be with you.'' It has this brass plate here on the front, and people were encouraged to put it in their pocket to see if it would save—it apparently saved some lives right over the heart. Inside the flyleaf at the top it says:

''The White House. Washington. As Commander in Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul.''

It is signed Franklin D. Roosevelt.

If you look back at our history, the very first book authorized to be published by the U.S. Congress at government expense was the Bible. You had the Supreme Court in the first 50 years saying: of course the Bible should be taught; it is the best book for teaching our children. And now the government says: really, Christians are a big hate group that we need to worry about, and that their talk of Christianity is actually hate speech, homophobia, and Islamophobia.

What these people who have become wise in their own eyes don't realize is that really this book, this Bible, is about love, that God so loved the world that He gave His Son, and that His Son so loved the world that He gave His life. That is a religion based on love. Jesus went on to say the two great commandments: love God, love each other.

After I became a parent and my mother was about to die, and she said her favorite thing was her kids being there with her and loving each other, it made all the sense in the world.

This Bible makes sense, from the prophecies Mr. LAMBORN spoke of, when you read Psalm 22—''My God, my God, why have you forsaken me?''—it is just verse after verse of prophecy of what was fulfilled by only one person in the history of man.

Mr. LAMBORN. Mr. Speaker, I want to thank the gentleman from Texas and all the other speakers who joined us during this hour. It has been really wonderful to recognize and commemorate the 75th anniversary of National Bible Week.

I would like to thank the National Bible Association—the other NBA—for offering to provide some historical artifacts, which for logistical reasons we were not actually able to bring here in

person, ancient Jewish and Protestant and Catholic texts that we could have used as well to read from. I just want to thank each Member here, and I am glad that we have had 75 years of celebrating this wonderful event. It has been a great part of our national heritage.

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

MAKE IT IN AMERICA

The SPEAKER pro tempore (Mr. BUCK). Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you for the opportunity here to discuss something that we have talked about now for almost 7 years. It is called infrastructure. It is called Make It In America. It is all about American bridges falling down.

This is the bridge in Washington State as one approaches the British Columbia boundary, Interstate 5, the interstate that runs from the Canadian border to the Mexican border. And on this particular day, you couldn't get there because the bridge collapsed. Not unusual. All across America, there are tens of thousands of bridges that are in a state of imminent collapse, downright dangerous. But, hey, we don't have any other way to get across the river, so take your chances. After all, it is American infrastructure.

There was a lot of discussion in the last presidential campaign about infrastructure, a lot of hooting and shouting, and maybe in the months ahead some progress. Last year this Congress, together with the Senate and with President Obama's signature, passed a 5-year surface transportation bill. Good. Very good. However, there's not even enough money in it to maintain our bridges so that they don't fall down. So we need to get on with rebuilding America.

I could probably quote the words of the President-elect or the Democratic nominee who didn't successfully win that election, but they would all come down to the same thing: we need to build our infrastructure. And indeed we do. In doing so, we are going to put people to work, lots of people to work if we do it right.

Here is how you multiply the effect of infrastructure construction on the employment. There is no doubt, for every dollar we spend on infrastructure, we will grow the economy by a little more than $2, and we will put several tens of thousands of people to work if we spend a billion dollars or more. We know those statistics; they are out there, and they are true. But if you really, really want to grow this economy, and you want to bring manufacturing back to the United States, then you ought to pay attention to what we have been working on here for the last 7 years, and this is what we call the Make It In America agenda.

Yes, that infrastructure is essential. But what if your tax dollars were spent on jobs in the United States, on American-made steel, American-made concrete, American-made rebars, structural elements of all kinds? What if your tax dollars were actually spent here in America rather than in that very sad, sad situation in California, in my California?

Oh, yes, let me put this up. This is an embarrassment. Oh, not this one. That one. You see, that is the San Francisco Bay bridge. It was completed about 4 years ago, 3 years ago now, and the original cost was somewhere around $1 billion or so. It actually turned out to be some $6 billion or more. But the thing that really, really was embarrassing is that the steel in that bridge was not American steel. It was Chinese steel. The toll dollars of those who cross this bridge for the next 50 years wind up in China, not in the United States, not in American steel mills, not in the pockets of American workers who are working those mills, and not in the pockets of the welders who put together the steel structures but, rather, in China's pocket.

Terrible embarrassment. Why did it happen? Well, they thought it would be about 10 percent cheaper. It didn't happen. It turned out that it was much, much more expensive. Why? Because the steel was of less quality, the welds weren't good, and the inspectors were Chinese and overlooked some of the problems.

Let me give you another example here. This is really embarrassing. For my California colleagues, please forgive me, but these are facts; and for all of us, pay attention. What happens when you build into a project, a buy America provision? What happens is American jobs and things are done well and things are done on time. The New York Tappan Zee bridge made with United States-produced steel, about a $3.9 billion total cost, and 7,728 direct American jobs as a result of that steel being American steel. On time, on budget, and made in America.

So here is the deal, folks. If, Mr. President-elect, you want an infrastructure program, if you want to bring manufacturing back to America, then you better pay attention to this, which is Make It In America. Use our tax dollars, your tax dollars, the American tax dollars on American-made goods and services, not on something from some other place. This doesn't violate trade agreements; and if it does, those trade agreements ought to be changed. This is about rebuilding the American manufacturing sector.

Let me give you another example. Yes, one of my favorites. Another example, beyond the bridge, the Tappan Zee bridge, which is a very good example, and a very bad example, the Bay bridge, San Francisco Oakland Bay bridge. For those of you who don't know what a locomotive looks like, that is an Amtrak locomotive, 100 percent made in America. But America doesn't build locomotives anymore. Well, that used to be true. Maybe a decade ago we didn't build locomotives. However, in the wisdom of this Congress and President Obama and the Senate, the American Recovery and Reinvestment Act passed, otherwise known as the stimulus bill.

In the stimulus bill, there was written a few tens of billions of dollars to build locomotives—let me put it this way, to buy locomotives for the Amtrak system. This one is an electric locomotive for the Northeast corridor here on the East Coast. Somebody somewhere in that piece of legislation—maybe it was a Democrat, maybe it was a Republican, maybe it was a staffer, an independent, I don't know, but somebody wrote into that provision for the purchase of Amtrak locomotives, about 70 of them, actually a little more than 70 of them, that they must be not 10 percent American made, not 20, not 30, not 90, but 100 percent American made so that every single thing on that locomotive had to be American made.

Well, the great manufacturers in the United States—General Electric and General Motors—and some foreign manufacturers looked at that and said: 100 percent American made? It doesn't work. They don't build locomotives in the United States anymore. How could you build 100 percent American made?

Well, this little German company called Siemens, one of the biggest industrial companies in the entire world, said: How many billions involved here? Lots of zeros, lots of billions. Seventy locomotives, 100 percent American made. We are a German company, 100 percent. How many billions was that? I will tell you what. We will do it. And Siemens did it.

□ 1845

In the United States, they built that locomotive and about 60 some others in Sacramento, California, where there was no locomotive manufacturing plant until the American Recovery and Reinvestment Act became law and billions of dollars became available. That German company went to Sacramento, California, just outside my district where I spent more than 40 years representing the area, and said: We can do it. And they did it. And now they have contracts across this Nation to build in America not just locomotives like this but also railcars, light railcars, transit systems, and the like.

We can make it in America, and your tax dollars can actually be used to employ people in America and to build manufacturing systems in the United States if—and here is the key—in the months ahead, this Congress, working with the next President, actually decides that they are going to put into public policy that your tax dollars are going to be spent on American-made equipment.

Now, in that bill I talked about a little while ago, the FAST Act, which is

a 5-year transportation bill, I and a few of my colleagues were successful in increasing by a little, teeny, tiny bit the American content on buses and light rail systems—not to 100 percent which is what I wanted, but from 60 to 70 percent. And that will be several thousand jobs over time across the United States. But we should be bold.

If, as the President-elect says, he wants to rebuild American manufacturing, make America great again—which of us doesn't want that to happen—we all do—then I would suggest, Mr. President-elect and my Republican colleagues and my Democratic colleagues, that we build into any infrastructure bill two very, very important things. The first is that American taxpayer dollars will be 100 percent spent on American-made equipment, whether that is the steel for the wheels of the Amtrak trains, the structures for the bridges, or the concrete, whatever. American-made. Your tax dollars spent on America.

So what are we going to do here? The second thing. I shouldn't forget this. There are those that would use this infrastructure legislation to further diminish the power of the American worker to stand together united and participate in achieving a fair wage.

We must not allow this effort to rebuild the American infrastructure to be an excuse for eliminating the unions in the United States. We have seen enough of that. We have seen the effect of that. The diminution of the wages for the working men and women is directly parallel to the diminution of the labor movement in California and the United States.

So, let's pay attention here. Men and women joining together, arguing and debating and standing for their rights and their wages and their working conditions is a time-honored and essential condition of the United States middle class and the working men and women, wherever they happen to be across this Nation.

As we go about this process of building America, of reinvigorating the manufacturing sector of the United States and making it in America once again, let us remember that there are key points that must be paid attention to.

There is a term that was used in the California fields by our friends from Mexico, and the term was, Si se puede; or, Yes, we can. We can make it in America. We can rebuild the American manufacturing sector. We can strengthen American families financially and otherwise by doing these things, but only if we use your taxpayer dollars here in America and strengthen the buy-America provisions and no further diminution in the American labor movement. Yes, we can.

Now, let's keep this in mind. It ought to be our motto. It ought to be the words by which we set our compass: to make it in America, use your tax dollars, buy American products, and strengthen the American family.

Mr. Speaker, I have talked about this issue for the last 7 years, and I have talked about this issue for about the last 17 minutes. I yield to the gentlewoman from Texas (Ms. JACKSON LEE), an incredible spokesperson for what is right in America and what is wrong.

Ms. JACKSON LEE. I thank my good friend from California, and I want to offer a consistent appreciation for an effective articulate presentation on a message that not only the American people are eager to hear, but I would imagine as we have the waning hours—I don't like to call anything lame duck—that we can rush to craft the kind of fair and just response, overdue response to the infrastructure rebuild that takes into consideration American-made products, takes into consideration and includes no diminishing of hourly wages for our hardworking union members, and, of course, begins to move across America and fix the ailing bridges, dams, highway, freeways, bridges, tunnels, and airports.

Being on the Homeland Security Committee, I definitely want to include that, particularly as I travel around the Nation and I see the hardworking people at airports, but also the infrastructure challenges.

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

EVENTS OF LAST WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for the remainder of the hour as the designee of the Minority Leader.

Ms. JACKSON LEE. Mr. Speaker, my words still count for the presentation that the gentleman from California made, and count me as one of those that will continue to join him in that.

Mr. Speaker, might I take a moment to do a number of things as I engage in a conversation on the floor with my colleagues and acknowledge the importance of the work of this body. And also, I want to speak to the last week's occurrences.

We, as Members of Congress, may have disagreements on the actions of last week, one of the most important acts that the American people engage in, so I certainly want to applaud the American people for the peaceful transfer of power. That power is not completely transferred. Everyone knows that it is the inauguration on January 20, 2017, in which we will have the opportunity to, in actuality, transfer power from President Obama to the next President of the United States that has been voted on by the people of this country.

In the course of my discussion, I will raise a number of concerns that I think are important for us to listen to. Again, these may be issues that draw a little bit of provocativeness, if you will, but I hope to be thoughtful in my words.

I do want to acknowledge the works or the words of my colleagues previously honoring the recognition of the Bible and say that so many of us not only find comfort in that wonderful book but we also use it for counsel.

As I begin, I hope that those who may be listening will, in fact, see in my words the kind of temperament and tone that, as I said, even if we have disagreement, we will certainly not be disagreeable. And I cite for my friends and for this body Psalm 16:7–11, but I only read chapter 16 and verse 7 at this point.

''I bless the Lord who gives me counsel; in the night also my heart instructs me.''

Verse 8:

''I have set the Lord always before me; because he is at my right hand, I shall not be shaken.''

That is, I think, a wonderful testimony for this Nation. It is a testimony for the structure of government. It is a testimony for this Congress as we proceed. It is a testimony for the men and women who are in faraway places who are wearing the uniform. It certainly is a testimony, I believe, for many who find themselves suffering at this moment in a variety of ways.

I do want to acknowledge and offer my deepest sympathy to the family of Gwen Ifill, someone who I have come to know over the years as one of America's award-winning journalists.

Gwen Ifill was, in fact, a journalist that perceived her work as a profession, as a calling, and I am so sad to hear of her untimely death. She had a storied career, including being the first African American female to moderate a Vice Presidential debate in 2004, and handling it some 4 years later. She brilliantly moderated the 2008 Vice Presidential debate between Vice President JOE BIDEN and Alaska Governor Sarah Palin, her steadiness as a host on the PBS NewsHour, and the wonderful family from which she has come.

I want to acknowledge her wonderful sister, who heads the NAACP Legal Defense Fund, and all of her family members to say that we celebrate her life, but we also mourn her passing.

I wanted this evening to manage to combine the things that we need to get done—as I said, the actions of last week—and I want to combine it with the First Amendment and the Bill of Rights that we all have.

I want to make it very clear that the First Amendment gives us the freedom of speech or of the press or the right for the people peaceably to assemble. So I take issue with statements that have been made by the recent elected person who sought the Presidency from New York who indicated in some early comments that he viewed the protesters as being paid and, I guess, incited by the media or caused to be protesting by the media. I take as a very sacred document that we are blessed to have as the Constitution.

I watched as throngs of young people walked past the United States Capitol just a few hours ago. I think it is important for the American people and

my colleagues to know what a beautiful sight of young, peaceful Americans who were frustrated and hurt by what they perceive as an exclusionary election that did not include them.

So, I do want to put on the record that this will be a constitutional discussion as we weave in and out of the challenges that I see that we will be having and, in essence, speak to some of the concerns that these protesters would have.

Let me first say that, with respect to military force, in a Washington Post article by Bob Woodward, it says:

''The president can select nuclear strike packages against three categories—military targets, war-supporting or economic targets and leadership targets.''

It means, in the hands of any Commander in Chief, President, they will have that power.

□ 1900

Under practice, as the Commander in Chief, the President can employ U.S. military forces as he or she sees fit; and that means that the concern that many are expressing, these young people, what kind of Commander in Chief, as evidenced by words said during this very extended Presidential campaign of ''I like war,'' or the idea that there would be, I guess, an extensive use of war powers or the powers that an individual President can use, this raises concern for a lot of people.

Let me, as well, indicate that, when you begin to think about the structures of government, you have a headline from the Associated Press that the children of this candidate could run a blind trust, and so that is certainly of concern.

When Mr. Giuliani indicated that Mr. Trump should set up some kind of blind trust, when pressed, Mr. Giuliani told CNN's ''State of the Union'' that Trump's unusual situation might call for more flexibility; and that is something we have never seen before, where there is at least some mixture of government and the using of a business structure and more flexibility. And then a new announcement that these individuals that would be involved in the blind trusts, or running the business, now would be called upon to—or are being sought, if you will, to have a top secret clearance, which means that the interests of business could be mixed with the security interests of the American people.

I find that quite puzzling. And as a member of—concerned about homeland security on a number of my committees, I find that of great concern. This is what happens when there are elections, maybe, with less information than we should have had.

So I think it is important to note that protesters are rightly concerned. Certainly, there is additional information in a recent ''60 Minutes'' interview where the question came up about deporting undocumented individuals.

Certainly, amongst undocumented individuals are young people called DACA, who have been given work permits and delays from deportation, who are scholars, who are in college, who are young high school students. Because the system of legal immigration that has been presented to this Congress any number of times has not been debated or passed, we have not done our job; so we have not passed a system in which those who are unstatused could legally pay fines, stand in line, and do the appropriate thing that I think Americans would care for them to do.

What we have is a system that is broken, and so, in his wisdom, the President of the United States worked to step in the gap where there was no law as it relates to these young people, and, of course, the Congress did not act. No answer from that in the ''60 Minutes'' interview.

There is a question, or a point, that individuals that have criminal records—gang members, drug dealers, probably about 2 million people, allegedly—would be deported, without any suggestion of how you would pay for it. I think deportation is about $10,000 per person.

Also, criminal record is a relative question. Is that a misdemeanor? Is that a ticket? Is that a young person that is a gang member that could be rehabilitated and then, of course, have some way to access citizenship in some appropriate manner?

Let this be very clear. None of us want to coddle or to protect anyone that will do us harm here in the United States. That is not in any way the stance that I take. But I do ask the question: Is there any thought to these policies? And these policies have now caused great fear, intimidation, which generates thousands of young people and others across America taking to the peaceful protests because they are confused—and the confusion is continuing to grow.

In addition, it was said often that this is a powerful country with a wonderful democracy. That democracy means that, in the battle of campaigns, much is said. Once campaigns are over, then we move on to respect the opponent, the loyal opposition, and we move on to ensure that we do not have a punitive and—how should I say?—unfair treatment of the individual that lost.

We have repeated over and over again, Mrs. Clinton, who I think was an excellent candidate for the Presidency—as evidenced by the fact that, right now, the numbers are mounting. She has actually received more than 1 million votes over the individual that will take up the helm by inauguration in January of 2017. So the popular vote, more Americans voted for Mrs. Clinton than the person who will be inaugurated. That is a very hard pill to swallow, and I will speak about the electoral college.

With that in mind, we also know that there have been many hearings in this Congress that have looked at a number of aspects of some of the concerns that have been raised in the battle, in the contest, and those have not evidenced any basis for moving forward.

That being said, in an inquiry for ''60 Minutes,'' regarding Mrs. Clinton, kind words were said, of course, and I agree with them, that she proceeded in the appropriate manner to protect the peaceful transfer of government. She reached out to the American people to ask them to work with this new government. She spoke about our values and that we should continue to maintain our values. I thank her for that. And, of course, she appropriately called and conceded, and that action was called lovely.

But when the question was posed about appointing a special prosecutor, rather than performing or speaking in a Presidential manner, that wasn't the case. The response was that this action would not be ruled out, and some words that were attempting to comfort were said: ''They are good people. I don't want to hurt them.''

Where is the responsible response, which is: The election is over. I thank Mrs. Clinton for her service to the Nation, and we look forward to healing this Nation and working together? That did not occur.

So let me say, let us not discount the pain that my constituents and many others are feeling because there have been no words that are conciliatory; and certainly, there are no words that would seem to respect the loyal opposition, the opponent, only the words that would seem to provoke those who worked so hard on behalf of the other candidate. The newspapers are rampant with these examples of what kind of administration will we have.

So how did we get here? We got here because of the structure of the electoral college, which was in place as we began this Nation. And of course it is established in Article II, section 1 of the U.S. Constitution.

The Constitution gives each State a number of electors equal to the combined total of its Senate membership, two for each State, the House of Representatives delegation currently ranging from 1 to 52. Under the 23rd Amendment of the Constitution, the District of Columbia is allocated three electors. So the electoral college consists of 538 electors; 535 electors from the several States and 3 from the District of Columbia. None of those individuals should stand in place of the popular vote, but that is the concept that we used in that earlier point.

On November 6, 2012, Mr. Trump tweeted that the electoral college is a disaster for democracy. I think many of us in America totally agree.

Most States require that all electoral votes go to the candidate that received the plurality in that State; and so, in some sense, it is connected to that State and has some basis to it.

It was amended in the 12th Amendment—I think that was in 1804—which provides what happens if the electoral

college fails to elect a President or Vice President. Here lies the very crux of the reason why a popular vote should now be the standard.

Let me say also that I could not read the minds of our Founding Fathers. They managed to put in a system of democracy that has now lasted for a very, very, very long period of time. They are to be commended. This was through the Constitutional Convention that met in Philadelphia in 1787. This was an important acknowledgment, and there were a variety of processes upon which they suggested there be a Presidential selection.

A committee formed to work out various details, including the mode of election of the President, recommended that the election be decided by a group of people apportioned among the States. I would offer to say that that did not go forward. There were fears of intrigue if the President was chosen by a small group of men.

At the time, as you are well aware, slaves were not counted as a full person, and slaves were in the United States. Women were not allowed to vote, and there were other prohibitions against voting. Concerns for the independence of the President if he was elected by the Congress was also part of the mix in terms of how you would discern and vote, and the electoral college was being developed.

In Federalist Paper No. 39, James Madison explained the Constitution was designed to be a mixture of State-based and population-based government. Alexander Hamilton defended the electoral college on the grounds that the electors were chosen directly by the people.

All of that, trying to get it right, I think, speaks volumes—volumes—to the idea of moving forward beyond this idea of the electoral college and to begin to look at other options; and so I am going to be asking our committees—in particular, the Judiciary Committee—to hold hearings on the electoral college.

I think it is extremely appropriate for the American people to be able to understand the crux of how this works but, more importantly, how this impacts the leadership of this country.

Five times a candidate has won the popular vote but not the electoral college: Andrew Jackson in 1824, Samuel Tilden in 1876—we remember that compromise—Grover Cleveland in 1888, Al Gore in 2000, and, certainly, Hillary Clinton in 2016. I would suggest that this is an appropriate time to review this.

We tried to do an electoral college review from 1969 to 1971. H.J. Res. 681 proposed the direct election of a President and Vice President, requiring a runoff when no candidate received more than 40 percent of the vote. The resolution did pass the House in 1969 but failed to pass the Senate.

So, I think it is important that we look at this in a manner that can be reviewed, and there are ways of doing so. I believe there is a national popular vote, which I will find in just a moment, that has already worked with 13 States to devise another approach, or which is the popular vote, and to make sure that the bar that we have that deals with the electoral college and bars the count of the popular vote to the extent that one person, one vote, I think, has to be reviewed. There has to be a congressional review of this. There is too much at stake and too much emphasis on the right to a vote that we cannot let Americans vote for their President.

And I say that some of the discussions around the idea of the electoral college were that maybe the voters were not informed enough, maybe they were not at a level of education that we should entrust to them the idea of the situation dealing with the popular vote. So I think the issue is that we need to make sure that the one vote, one person counts. We talk about it all the time, and we don't seem to act on it. Let's hold hearings. That is important.

Let me quickly go to the aftermath of these elections that has really disturbed many of us. The Southern Poverty Law Center reports more than 201 incidents of election-related harassment and intimidation across the country as of November 11, 5 p.m. They range from anti-Black to antiwoman, to anti-LGBT incidents.

People are hurting. There were many examples of vandalism and epithets directed at individuals. Oftentimes, the types of harassment overlapped, and many incidents, though not all, involved direct references to the Trump campaign.

□ 1915

Let me give you some examples. This is an example from the Southern Poverty Law Center: My 12-year-old daughter is an African American. A boy approached her and said, ''Now that Trump is President, I am going to shoot you and all the Blacks I can find.'' We reported it to the school, who followed up with my daughter and the boy appropriately.

Another at this time in the college setting: The day after the presidential election, my friend, a Black female freshman in a Boston-area college heard a White female student say, ''This is their punishment for 8 years of Black people.'' When she turned around to see who said it, the White student laughed at her.

In Louisiana, a woman was harassed by White men in a passing car, which was a frequently reported venue of harassment since election day: I was standing at a red light waiting to cross the street. A black truck with three White men pulled up to the red light. One of them yelled something inappropriate. The other two began to laugh. One began to chant ''Trump'' as they drove away.

I have an employee who happens to be Hispanic who was coming to work in my own hometown and was told, ''Wetback in a suit, go home.''

''Death to diversity'' was written on a banner displayed on our library—this happened, I think, in Colorado—for people to see, as well as written on posters across the campus, as well as White males going up to women saying unfortunate things about grabbing unfortunate things.

This is from Austin, Texas: Harassment, today a young Latino man in his 20s and a coworker of mine were walking into work as a truck slowed down and two White men threw a bag of garbage onto him and yelled, ''You are going back to where you came from.''

There are, obviously, many such instances. When asked about this, to his credit, Mr. Trump said to stop it. That is not going to be enough. That will not answer the thousands upon thousands of those who are protesting and the thousands upon thousands of those who are looking for leadership to be able to suggest that we are, in fact, a nation that represents all people.

Now, it is the prerogative of the person who got elected and who will be honored to serve as the President of the United States, it will be their privilege to select persons that will lead. We do know that there is discussion about an individual for the Secretary of State, and I choose to cite this as an individual who is now possibly being looked at for the many conflicts of interest that they will have.

This is the highest office in the land. There must be a responsible ordering of those who are actually able to do the job. It is important to reward your friends. But these are important governmental positions that will either be the face—the Secretary of State—of the United States internationally or the Attorney General who will be the chief law enforcement officer or in the White House staff will likewise be the face of the President of the United States.

In the last week, an individual has now been selected who was in the campaign as the chief strategist—that is the face of the White House—that has given a signal to White supremacists that they will be represented at the highest levels. It is clearly documented of the kinds of actions that this individual has been engaged in. The ex-wife indicated in a court document that he didn't want the girls going to school with Jews. He said that he doesn't like Jews.

Heading up a periodical that deals with the alt-right movement which has been known to deal with skinheads and various issues that are just completely untoward in a country that is 21st century and that is so diverse.

So I believe that having joined my colleagues and asked for reconsideration, you have the right to choose your cabinet. You have the right to choose your various aids that you will have. But I don't believe in this Nation that you have the right to deal with this question of these issues where people feel divided.

There is a picture here. We know that there is the burning of a church. This is the Hopewell Missionary Baptist Church in Greenville, Mississippi, that has written on the outside of the sacred place. I began my message or my statement on the floor with a word from Psalms. And here is written, ''Vote Trump.''

Now, we know that there are people that may want to provoke or not provoke, but what I think is important is that one candidate got more of the popular vote. We need to review the electoral college. Out of this election has come great concerns from the words that have been offered during the campaign that cannot be pulled back. The words that cannot be pulled back now have generated not only actions by individuals not in the government, children being maligned and attacked, individuals being attacked on the street, people feel frightened. Churches are being burned, which we passed a law some years back that it is a Federal crime to burn a church. Then to have an individual who has been associated with the kind of propaganda that, in essence, is discriminatory against so many of us as women, African Americans, Hispanics, and certainly people who have differences. Certainly we have seen potential of the KKK marching in North Carolina, been denounced by the Republican and Democratic State party chair in North Carolina; and we thank them for that.

So what does that mean for all of us?

We have work to do. We have work to do. As Justice Learned Hand observed, if we are to keep our democracy, there must be one command: Thou shalt not ration justice.

We have criminal justice reform to deal with. We have to address the individuals that have been incarcerated unfairly. We must give them a second chance. This is not myself speaking, this is religious groups speaking. This is Republicans and Democrats speaking about the importance of criminal justice reform. We have not heard any discussion on that, but we do know that there has been over 200 hateful acts in the election aftermath. That is a problem.

We also know that the electoral college has now, again, selected an individual that did not get the most votes from the American people.

So I would offer to say that, among the work that we have to do working to rebuild America and put America first, I certainly join in that. We have some healing to do, and we should be doing this in a corrective manner. We should be doing our job and looking at some of the constitutional fractures that occurred.

Let me close on one last point that I want to make sure that, as I speak, I offer a great respect for the individuals who have offered to serve in this government. But I would be remiss if I did not cite a shocking episode that occurred on October 28, 2016, in the midst of the Presidential election. It is important for the American people to know whether they agree or disagree.

My colleagues, there lies another opportunity for an investigation because there is no more storied an agency in law enforcement than the FBI. I have the greatest respect—I have worked with them as a young lawyer, as a staffer in this body. I have been on a committee that has worked with the FBI.

What was that committee?

I served on the committee as a staffer to investigate the assassinations of Dr. Martin Luther King and John F. Kennedy when we opened it again where Chairman Gonzalez and Chairman Stokes served as chairpersons of that committee. We worked with then-FBI agents who were willing to provide information on how things happened during that timeframe. We have always looked to them to investigate and to be the armor of investigation to find the truth. But no protocol ever suggested that any announcement about an unknowing situation, unrelated to anything, could be announced and blatantly interfere in a Presidential election.

We must find out why that determination was made and what leaks were forthcoming. Many have written to determine if that is the case. So I am looking forward to a thorough investigation in the altering of the campaign landscape that occurred historically on October 28, 2016, and it did have a damaging and drastic impact statistically in a 1-to-2-point measure. That was an impact that was not the making of the American people. It was not something that was life or death.

Factually, the ultimate determination is that the announcement was irrelevant. It had nothing to do with or did not generate any new information on the particular incident that was being addressed at that time.

So I came to the floor today because I believe that we should not let things last and fester, and we in the Congress can be factfinders in an evenhanded and unbiased way. Our Judiciary Committee set up a task force dealing with overregulation. We have done it on antitrust and we have done it on criminal justice. Right now, the Constitution is being challenged, and aspects of the Constitution, the electoral college, is being challenged.

The interference of a democratic process of the election occurred no matter what good intentions were behind it. So the American people deserve many a factfinding situation—not in any way a targeting, not in any way a finger pointing, but a pure factfinding. This has to be corrected. Those who are charged with the responsibility of serving this Nation must do it in the context in which they do it. Investigations go on until you find the resolve of that investigation and the prosecutor, the Attorney General, makes the announcement that they will proceed to prosecute or they may not proceed to prosecute.

So I am very grateful to live in a nation that cherishes the Constitution and cherishes our Bill of Rights. I beg that we appreciate those who have sought to protest, and we appreciate those who have voted because it is a process of democracy. I will accept that. But I will also say that the voices of those who are being raised should be heard, and we as factfinders should do our job.

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS (at the request of Ms. PELOSI) for today and November 16.

ADJOURNMENT

Ms. JACKSON LEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 16, 2016, at 10 a.m. for morning-hour debate.

NOTICE OF ADOPTED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, November 15, 2016.

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

DEAR MR. SPEAKER: Section 303 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1383, requires that, with regard to the amendment of the rules governing the procedures of the Office, the Executive Director ''shall, subject to the approval of the Board [of Directors], adopt rules governing the procedures of the Office . . . .'' and ''[u]pon adopting rules . . . shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal.''

Having published a general notice of proposed rulemaking in the Congressional Record on September 9, 2014, provided a comment period of at least 30 days after publication of such notice, and obtained the approval of the Board of Directors for the adoption of these rules as required by Section 303(a) and (b) of the CAA, 2 U.S.C. 1383(a) and (b), I am transmitting the attached Amendments to the Procedural Rules of the Office of Compliance to the Speaker of the United States House of Representatives for publication in the House section of the Congressional Record on the first day on which both Houses are in session following the receipt of this transmittal. In accordance with Section 303(b) of the CAA, these amendments to the Procedural Rules shall be considered issued by the Executive Director and in effect as of the date on which they are published in the Congressional Record.

Any inquiries regarding this notice should be addressed to Barbara J. Sapin, Executive Director of the Office of Compliance, Room

LA–200, 110 2nd Street, S.E., Washington, DC 20540.

Sincerely,

BARBARA J. SAPIN,
Executive Director,
Office of Compliance.

FROM THE EXECUTIVE DIRECTOR OF THE OFFICE OF COMPLIANCE

NOTICE OF ADOPTED RULEMAKING (''NARM''),

ADOPTED AMENDMENTS TO THE RULES OF PROCEDURE, NOTICE OF ADOPTED RULEMAKING, AS REQUIRED BY 2 U.S.C. § 1383, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED ("CAA").

INTRODUCTORY STATEMENT

On September 9, 2014, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance (''Office'' or ''OOC''), as amended in June 2004 (''2004 Procedural Rules'' or ''2004 Rules'') was published in the Congressional Record at S5437, and H7372. As required under the Congressional Accountability Act of 1995 (''Act'') at section 303(b) (2 U.S.C. 1383(b)), a 30 day period for comments from interested parties followed. In response to the Notice of Proposed Rulemaking, the Office received a number of comments regarding the proposed amendments. Specifically, the Office received comments from the Committee on House Administration, the Office of the Senate Chief Counsel for Employment, the U.S. Capitol Police, the Architect of the Capitol, and the U.S. Capitol Police Labor Committee.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice, have made certain additional changes to the proposed amendments in response thereto, and herewith issue the final Amended Procedural Rules (Rules) as authorized by section 303(b) of the Act, which states in part: ''Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.'' See, 2 U.S.C. 1383(b).

These Procedural Rules of the Office of Compliance may be found on the Office's web site: *www.compliance.gov*.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) established the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directed that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, for appeals of a decision by a Hearing Officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

The Office's response and discussion of the comments is presented below:

Discussion

SUBPART A—GENERAL PROVISIONS OF THE RULES

There were a number of comments submitted in reference to the proposed amendments made to Subpart A, General Provisions of the Rules. With respect to the amendments to the Filing and Computation of Time under section 1.03(a), one commenter noted that the provisions allowing the Board, Hearing Officer, Executive Director and General Counsel to determine the method by which documents may be filed in a particular proceeding ''in their discretion'' are overly broad. The commenter also requested clarification on whether there would be different methods used for filing in the same case, whether five (5) additional days would be added regardless of the type of service, and whether the OOC would inform the opposing party of the prescribed dates for a response.

The Office does not find as overly broad the amendment allowing the Board, Hearing Officer, Executive Director, and General Counsel the discretion to determine the method by which documents may be filed. The 2004 version of these Rules, as well as the CAA, confer the Office and independent Hearing Officers with wide discretion in conducting hearings and other processes. The Office further finds that there is no need to clarify whether different methods can be used in the same case, as long as whatever method chosen is made clear to parties. Finally, as the Rules are clear that five additional days will be added when documents are served by mail, the Office does not believe that it is necessary to include a requirement that the OOC inform parties of the specific dates that are required for response. That information can be ascertained from information on the method of filing.

As the OOC has indicated that it intends to move toward electronic filing, one commenter voiced support for the Office's decision to permit parties to file electronically. However, the commenter indicated that it would be beneficial for the proposed Rules to contain procedures for storing electronic material in a manner that will protect confidentiality and ensure compliance with section 416 of the CAA.

The Office routinely handles all materials in a secure and confidential manner, regardless of the format. Because the Office's confidential document management is covered in its own standard operating procedures, there is no need to include those procedures in these Rules.

Section 1.03(a)(2)(ii) of the Proposed Rules provided that documents other than requests for mediation that are mailed were deemed to be filed on the date of their postmark. However, mailed requests for mediation were to be deemed filed on the date they were received in the Office. (1.03(a)(2)(i)) This was a proposed change to the Rules that had established the date of filing for requests for mediation *and complaints* as the date when they were received in the Office. One commenter asserted that in changing the date of filing for complaints served by mail from the date received in the Office to the date of the postmark, the rules gave a covered employee an additional five days to file an OOC complaint. Upon review of all comments, the Office has determined that, because mail delivery on the Capitol campus is irregular due to security measures, it is best to use the date of postmark as the date of filing. This will ensure that all filings that under ordinary circumstances would be timely would not be deemed untimely because of any delay in mail delivery on the Hill. This includes the filing of a request for mediation, which will be deemed received in the Office as the date of postmark. In using the postmark as the date of filing for all mailed documents, the Office sees no advantage gained in one method of filing over the other, but rather views this as a way of curtailing any disadvantage to those who use mail for filing at a time when there are often significant delays in mail delivery to offices on the Hill.

In sections 1.03(a)(3) and (4) of the Proposed Rules, the Office changed the filing deadline for fax and electronic submissions from 5:00 pm Eastern Time on the last day of the applicable filing period to 11:59 pm Eastern Time on the last day of the applicable filing period. One commenter noted that while submissions under section 1.03(a)(3) require in person hand delivery by 5:00 p.m., this deadline is inconsistent with the 11:59 p.m. deadline required for faxed and electronically filed documents. The commenter stated that the filing deadlines should be the same for all types of delivery and receipt options.

This is not an unusual situation. Often there are different filing deadlines, depending on the mode of delivery. However, to ensure consistency, the Office has changed the language so that the same time will be used for filing all documents coming into the Office.

Under Proposed Rule section 1.03(a)(4), commenters noted that there was ambiguity regarding email time display and one commenter proposed the addition of a new rule requiring prompt acknowledgement of the receipt of an emailed document to ensure that it has been received by the parties.

In view of this comment, the Office added language to the Adopted Rules, providing that when the Office serves a document electronically, the service date and time will be based on the document's timestamp information. No further change is necessary. Confirmation of the transmittal of a document can be shown from the date and timestamp on the email, which is typically more reliable than a recipient's acknowledgment.

One commenter noted that under Proposed Rule section 1.03(c), there should be some way of notifying parties when the Office is ''officially closed for business.'' The Office determined that it is not necessary to include in the Procedural Rules how the Office will notify parties of closures. The Office generally follows the Office of Personnel Management closure policy with respect to inclement weather and other official government closures. Further, information on the Office's closures appears on the Office's website at *www.compliance.gov* and is provided on the Office's mainline at 202.724.9250.

In response to the proposed changes to the new section 1.06 (formerly section 1.04) in the Proposed Rules, several commenters indicated that while records of Hearing Officers may be made public if required for the purposes of judicial review under Section 407, the Procedural Rules do not address circumstances where records are also necessary for purposes of civil action review under section 408 for res judicata purposes.

After review of these comments, the Office believes that this concern is adequately addressed in the Adopted Rules. Section 1.08(d), includes a broader statement concerning the appropriate use of records in other proceedings, and allows the submission of a Hearing Officer's decision in another proceeding, as long as the requirements in section 1.08(d) are met. Nothing in these Rules prohibits a party or its representative from disclosing information obtained in confidential proceedings when it is reasonably necessary to investigate claims, ensure compliance with the Act or prepare a prosecution

or defense. While section 1.08(d) does allow for the submission of Hearing Officer decisions under the appropriate circumstances, it also serves to preserve the confidentiality of these records. Thus, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

With respect to the new section 1.07, Designation of a Representative, a commenter noted that the requirement that only one person could be designated as a representative was problematic since there have been situations when more than one attorney would be needed to represent an employing office or employee. The suggestion was made that the limitations apply only to a party for point of contact purposes. As the purpose of limiting the number of designated representatives was to eliminate any confusion caused by having to serve more than one representative per party, the Office has modified the language to indicate that only one representative may be designated to receive service.

There were several comments to section 1.07(c) of the Proposed Regulations. The proposals to section 1.07(c) provided that in the event of a revocation of a designation of representative, the Executive Director, OOC General Counsel, Mediator, Hearing Officer or OOC Board has the discretion to grant a party ''additional time . . . to allow the party to designate a new representative as consistent with the Act.'' The commenters noted that the CAA is a waiver of sovereign immunity that must be strictly construed and that there is no discretion to extend statutory deadlines to give a party time to designate a new representative, including time to request counseling under section 402, to request and complete mediation under section 403, to file a complaint or initiate a civil action under section 404, or to file an appeal under section 406 of the CAA. Commenters urged that the rule be modified to clarify this point.

As the adopted language notes that additional time may be granted *only as consistent with the CAA*, it should be clear that in granting any additional time to designate a new representative, the Executive Director, OOC General Counsel, Mediator, Hearing Officer or OOC Board will ensure that statutory deadlines are observed.

Deletion of the section 1.07 of the 2004 Procedural Rules, the breach of confidentiality provision, generated the most comments. Commenters generally noted that the Proposed Procedural Rules would eliminate the existing process for filing a complaint based on violation of the confidentiality provisions of section 416 of the CAA. The effect of this proposed rule change would be that, if there was a confidentiality breach, a party could obtain relief only pursuant to an ''agreement'' facilitated by the Mediator during the mediation period or through sanctions issued by a Hearing Officer during a section 405 proceeding (see Proposed Procedural Rules sections 2.04(k) and 7.12(b)). Commenters expressed concern that under the Proposed Rules, if an individual violated section 416 of the CAA at any other time in the process, no remedy would be available. Most commenters felt that this was inconsistent with the confidentiality requirements of the CAA, and that the Procedural Rules should include a complaint procedure for resolving independent violations of section 416. For example, one commenter noted that, under the Proposed Procedural Rules, if parties agree to a settlement during mediation, there is no remedy available to the employing office if the employee decides to publicize the terms of the settlement or any statements made during mediation. Similarly, if a covered employee never initiates a section 405 proceeding, but instead drops the matter or initiates a section 408 proceeding, the Proposed Procedural Rules would allow the employee to publicize any statements made during mediation, with no fear of sanction. The uncertainty regarding confidentiality would result in parties being less candid in mediation and, thereby, undermine it as a dispute resolution process.

Section 1.07 of the 2004 Procedural Rules, permitting the filing with the Executive Director of stand-alone complaints of violation of the confidentiality provisions, has been deleted because the OOC Board held, as a matter of statutory interpretation of the CAA, that it did not have the statutory authority to independently resolve a breach of confidentiality action brought under the Procedural Rules, without the existence of an underlying complaint under section 405 of the CAA. *Taylor v. U.S. Senate Budget Comm.* No. 10–SN–31 (CFD), 2012 WL 588440 (OOC Board Feb. 14, 2012); see *Massa v. Katz & Rickher*, No. 10–HS–59 (CFD) (OOC Board May 8, 2012) (dismissing complaint alleging breach of confidentiality on subject-matter jurisdiction grounds because the complainant ''never filed a complaint [under section 405 of the CAA] against an employing office alleging violation of sections 201–207 of the CAA.''). In other words, the Board's authority to adjudicate a breach of confidentiality is limited to employment rights proceedings initiated by a complaint filed by a covered employee against an employing office alleging violations of laws specifically incorporated by the CAA under 2 U.S.C. §§1311–1317. Section 405 of the CAA, by its terms, limits the filing of a complaint to a covered employee who has completed mediation and section 406 of the CAA limits Board review to any party aggrieved by the decision of a Hearing Officer under section 405(g) of the CAA. For this reason, the Board determined that section 1.07(e) of the Procedural Rules could only apply to those orders and decisions regarding sanctions that were in a final order issued under section 405(g). While the CAA and the procedural rules mandate that parties in counseling, mediation, and hearing maintain confidentiality, there is no statutory provision within the CAA which addresses the authority of a Hearing Officer or the Board to address independent breaches of confidentiality. See 2 U.S.C. §1416

Other commenters noted that under *Taylor, supra,* the Board also appears to take the position that there is no provision in the CAA authorizing an employing office to bring a breach of confidentiality claim against a complainant. See also, *Eric J.J. Massa v. Debra S. Katz and Alexis H. Rickher,* Case No.: 10–HS–59 (CFD), (May 8, 2012) and *Taylor*. One commenter strongly disagreed with this conclusion, noting that just as the confidentiality obligations of the CAA clearly and unambiguously apply equally to employing offices and employees, so too should the ability to assert claims for breach of statutory confidentiality. The commenter asserts that a contrary reading of the statute, as appears to have been implicitly suggested in the above-referenced cases (denying employing offices the ability to bring claims for breach of confidentiality against employees), is inconsistent with the purpose and intent of the confidentiality provisions of the CAA.

Again, because under section 405 of the CAA, the filing of a complaint is limited to a *covered employee* who has completed counseling and mediation (and the General Counsel in limited circumstances), and there is no mechanism in the CAA for enforcement of confidentiality breaches outside of a section 405 proceeding, there is similarly no process in the CAA under which an employing office can *initiate* a breach of confidentiality claim that can be enforced. The Procedural Rules, however, do provide that within the context of a section 405 proceeding, an employing office may make a breach of confidentiality claim and the Hearing Officer is authorized to order a number of sanctions if a breach is found.

Comments were also made that limiting remedies for breaches of confidentiality to procedural and evidentiary sanctions was inappropriate and, that the effect of that limitation was to make the penalty for breach of confidentiality nonexistent for a complainant who chooses not to file a complaint with the OOC because no procedural or evidentiary sanctions would ever be applicable. The commenter requested that the Rules clarify that monetary damages may be awarded against both employing offices *and employees* for a demonstrated breach of confidentiality.

In the absence of any express authority, the Board has decided that ''the Office and its Hearing Officers have the power to control and supervise proceedings conducted under Sections 402, 403, and 405 of the [CAA], and may rely on this power to impose appropriate sanctions for a breach of the [CAA's] confidentiality requirements.'' *Taylor v. U.S. Senate Budget Comm; Massa v. Katz & Rickher*. The Board has further held that a breach of the CAA's confidentiality provisions does not independently entitle an employee to monetary damages absent a violation of one of the ''money-mandating'' statutes it applies. *Office of the Architect of the Capitol v. Cienfuegos*, No. 11–AC–138 (CV, RP), 2014 WL 7139940, *n.1 (OOC Board Dec. 11, 2014). The Board's authority is therefore limited to deciding breaches of confidentiality during the pendency of a complaint filed pursuant to section 405 of the CAA, and the Adopted Rules so provide.

Further, as to the deletion of section 1.07(d), covering contents or records of confidential proceedings, the comments noted that mediation does not bestow confidentiality to facts or evidence that exist outside of mediation and the language needs the significant qualification that currently exists in section 1.07(d) (''. . . A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings . . .''). The commenter recommended that the entire language of section 1.07(d) of the 2004 Procedural Rules be retained in the new Rules.

The Office agrees that including the current section 1.07(d) in the Adopted Rules (now in the Adopted Rules as section 1.08(e)) would give appropriate guidance on the contents and records of confidential proceedings.

There were multiple comments concerning the confidentiality provisions in section 1.08 of the Proposed Rules. One such comment noted that ''communications between attorneys and clients should never amount to a confidentiality breach absent a protective order''; yet, with the deletion of the ''Breach of Confidentiality Provisions'' section, there is no timeframe listed for when a party can claim a confidentiality breach. Commenters urged the OOC to reinstitute the previous requirement. Because of the Board rulings limiting the authority of the Board to review a breach of confidentiality claim outside of a section 405 proceeding, there does not need to be a timeframe for a party to claim the breach. The claim would have to occur during the section 405 proceeding itself. Because circumstances would differ in each case, setting a time frame for a breach of confidentiality should be left up to the Hearing Officer and the OOC Board of Directors.

Commenters noted that section 1.08(c) was also inconsistent because it prohibits disclosure of a written or oral communication that

is prepared for the purpose of, or occurs during, counseling. The most important document that allows for the preparation of a defense to a claim is the formal request for counseling. That written document is necessary to identify the claims that a Complainant has properly exhausted under the CAA. Some commenters requested that the Office provide the employing office with the request for counseling.

Counseling is to be strictly confidential, therefore, the request itself will not be provided to other parties by the Office. As the Circuit Court for the District of Columbia noted in *Blackmon-Malloy v. U.S. Capitol Police Bd.*, 575 F.3d 699, 713 (D.C. Cir. 2009), ''Congress's inclusion of provisions requiring the Office to issue written notices of the end of counseling and the end of mediation must be read in light of the provisions on confidentiality. Those provisions, sections 1416(a) and (b), provide that counseling and mediation, respectively, shall be strictly confidential.'' 2 U.S.C. §1416(a) & (b). *Blackmon-Malloy v. U.S. Capitol Police Bd.*, 575 F.3d 699, 711 (D.C. Cir. 2009). The court noted that, ''nothing in the CAA suggests Congress intended courts to engage in a mini-trial on the content of the counseling and mediation sessions, an inquiry that would be fraught with problems. . . . Congress expressly limited the ability of the court to review the substance of compliance with these processes.'' *Blackmon-Malloy v. U.S. Capitol Police Bd.*, 575 F.3d at 711.

One commenter objected to section 1.08(d) of the Proposed Rules, noting that mediators should not be able to discuss substantive matters from mediation with the Office. The commenter noted that to permit mediators to consult with the OOC regarding the substance of the mediation violates the principle that ''[a]ll mediation shall be strictly confidential,'' 2 U.S.C. §1416(b), and is inconsistent with the OOC's role as a neutral. Specifically, the commenter points out that as the OOC appoints the Hearing Officer to handle the subsequent complaint, the Executive Director rules on a number of procedural issues in any subsequent case, and in view of the OOC's adjudicative role in the complaint process, allowing the mediator to consult with the OOC regarding substantive issues related to the mediation may negatively impact the OOC's neutrality, and/or the perception of the parties that the OOC is neutral.

The Office agrees with the commenter that under the CAA, ''[a]ll mediation shall be strictly confidential.'' CAA §416(b). The confidentiality provision regarding mediation is further clarified in section 2.04(j) of the Procedural Rules, which provides that the ''Office will maintain the independence of the mediation process and the mediator. No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.'' However, the CAA requires both counseling and mediation, in part, to assist employees and employing offices in reaching an early resolution of their disputes. When a neutral mediator believes that consulting with the Office on administrative, procedural, or even substantive matters will expedite and facilitate resolution of the dispute, there is no reason for the mediator not to be able to do that. In fact, the purposes of the counseling and mediation provisions are best served if the OOC encourages the mediator to do everything he or she can to expedite resolution of the matter.

Furthermore, because Mediators are barred from serving as Hearing Officers in the same case under CAA section 403(d), there is no chance that a Mediator who consults with the Office will use that information to make a determination that will be binding upon the parties. Section 403(d) of the CAA is designed to inspire confidence in and maintain the integrity of the mediation process by encouraging the parties to be frank and forthcoming, without fear that such information may later be used against them. See, *e.g.*, 141 Cong. Rec. S629 (January 9, 1995). In essence, if the parties know that the mediator will not be involved in investigating or determining the validity of any of the allegations being made, they may be more willing to work cooperatively with the Mediator during the mediation. This is also the theory behind a key provision of the EEOC's ADR Policy Statement: ''In order to ensure confidentiality, those who serve as neutrals for the Commission should be precluded from performing any investigatory or enforcement function related to charges with which they may have been involved. The dispute resolution process must be insulated from the investigative and compliance process.'' EEOC, Notice No. 915.002 (7/17/95).

Because Mediators under the CAA are insulated from the investigative and compliance process, there is no statutory or ethical bar that would prevent them from consulting with the office if it would facilitate resolution of the dispute.

One comment also noted that the proposed rule sections 1.08(b) and (c) may be read to allow a ''participant'' to publicize the fact that a covered employee has requested and/or engaged in counseling and mediation, and the fact that an individual has filed an OOC complaint. See also, 2.03(d), 2.04(b) and 5.01(h) (requiring the OOC—but not participants—to keep confidential the ''invocation of mediation'' and ''the fact that a complaint has been filed with the [OOC] by a covered employee''). The Commenter notes that these disclosures would violate the strict confidentiality mandated by the CAA and that the proposed rule should not be adopted.

It is the opinion of the Office that the strict confidentiality mandated by the CAA applies to the discussions and content of conversations that go on in counseling, mediation, and the hearing, rather than the fact of filing of a request for counseling, invocation of mediation, or a complaint. Indeed, section 1.08(e), added back into the Adopted Rules, spells out that it is the information actually obtained in the counseling, mediation or hearing proceedings that is to be kept confidential, not necessarily the fact that a hearing or mediation is being held. Moreover, to ensure confidentiality and consistent with *the Office of Compliance Administrative and Technical Corrections Act of 2015* (PL 114–6), all participants are advised of the confidentiality requirement under the CAA.

In another comment, it was noted that the waiver provision under section 1.08(e) of the Proposed Rules was not clear and appeared to conflict with the statutory requirement of confidentiality under section 416 of the CAA. Where there is a waiver of confidentiality, it is unclear whether a waiver releases all requirements for confidentiality including making records public in proceedings, waiving the confidentiality requirements of proceedings before a Hearing Officer, and waiving the sanctions requirement under section 1.08(f). It is important that any waiver be clear as to why it would be permissible despite the language in section 416 of the CAA and how such a waiver affects documents, proceedings, and testimony. The commenter further notes that the language of the waiver does not make clear that all participants must agree to waive confidentiality and should therefore be deleted from the Rules.

The Office agrees that the waiver language in section 1.08(e) of the Proposed Rules is too confusing and not meant as a general waiver. Accordingly, the waiver language has been deleted in the Adopted Rules.

One comment noted that section 1.08(f) of the Proposed Regulations would remove the requirement that the OOC advise participants of their confidentiality obligations in a timely fashion. Section 1.06(b) of the 2004 Procedural Rules requires the OOC to provide this notification ''[a]t the time that any individual... becomes a participant,'' and that language is not included in Proposed Procedural Rule 1.08(f). Such early notice is critical to ensuring that CAA-mandated confidentiality is maintained and, thus, the existing rule should be retained.

The Office of Compliance Administrative and Technical Corrections Act of 2015 (PL 114–6), requires the Executive Director to notify each person participating in mediation and in the hearing and deliberations process of the confidentiality requirement and of the sanctions applicable to any person who violates the confidentiality requirement. The Office has created notifications to be provided to participants during all phases of the administrative process, including in mediation and at hearings, and includes a statement on its request for counseling form advising that ''all counseling shall be strictly confidential.'' Consistent with this and in agreement with the comment, section 1.08(f) of the Adopted Rules is modified to provide that, ''[t]he Executive Director will advise all participants in mediation and hearing at the time they become participants of the confidentiality requirements of Section 416 of the Act and that sanctions may be imposed by the Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause and the particulars of which must be stated in the sanction order.''

SUBPART B—PRE-COMPLAINT PROCEDURES APPLICABLE TO CONSIDERATION OF ALLEGED VIOLATIONS OF PART A OF TITLE II OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

In reviewing the change in the Proposed Rules, the Office has decided to delete the reference in section 2.03 of the 2004 Rules to an ''official'' form that should be used to file a formal request for counseling and has replaced it in the Adopted Rules with the following language: ''Individuals wishing to file a formal request for counseling may call the Office for a form to use for this purpose.''

There were several comments to section 2.03 of the Proposed Rules. One commenter noted that the strict confidentiality provision discussed in section 2.03(d) should refer to the confidentiality provisions described in sections 2.03(e)(1)–(2) and 1.08. In addition, the commenter maintained that the words ''should be used'' should be deleted and replaced with the word ''shall'' so that the counseling period only pertains to the enumerated items.

The Office has decided to leave the language as proposed (''should be used'') to provide the most flexibility to the Counselor and employee depending on the circumstances of each case.

There were comments that section 2.03(e)(1) of the Proposed Rules was inconsistent with the requirements in section 1.08(d). The commenter noted that, for example, section 2.03(e)(1) provides that ''all counseling shall be kept strictly confidential and shall not be subject to discovery.'' The commenter noted that it is not clear that the Office of Compliance Procedural Rules can control the release of discoverable information in federal district court. Notwithstanding that restriction, section 2.03(e)(1) is inconsistent with the exceptions provided in section 1.08(d) which permits disclosing information obtained in confidential proceedings

when reasonably necessary to investigate claims, ensure compliance with the Act or prepare its prosecution or defense.

Additional comments noted that section 2.03(e)(1) of the Proposed Rule would permit the OOC to publicize certain statistical information regarding CAA proceedings, which is consistent with section 301(h)(3) of the CAA, but the proposed rule would remove this language: ''. . . so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a request for counseling.'' To ensure compliance with section 416 of the CAA, the rule should specify that the OOC will not publicize this detailed information in its statistical reports.

The Office believes that the CAA's confidentiality requirements found in section 416 of the CAA confer upon it the obligation to safeguard the confidentiality of such information. It is for that reason, the language limiting the discovery of information discussed in counseling was added. To ensure that its intention to protect the information is understood, the Office has decided to keep that language in the A Rules. Further, to preserve confidentiality of statistical information released as part of the reporting under section 301(h)(3) of the CAA, language has been put back in, indicating that statistical information will not reveal the identity of individual employees or employing offices that are the subject of specific requests for counseling.

In addition, by way of clarification, the Office has added a reference in section 2.03(e)(2) of the Adopted Rules to section 416(a) of the CAA indicating that the employee and the Office may agree to waive confidentiality during the counseling process for the limited purpose of allowing the Office to notify the employing office of the allegations.

Noting that section 2.03(m) of the proposed rules requires the Capitol Police to enter into a Memorandum of Understanding (MOU) to permit an employee to use the Capitol Police internal grievance process, one commenter observed that there was no such requirement in section 401 of the CAA.

As the language in the proposed regulation indicates, a MOU may be necessary to address certain procedural and notification requirements. The OOC believes that the best way to work out notice and follow up details is through a MOU. However, the language does not mandate a MOU, but rather indicates that an MOU would be helpful in addressing administrative and procedural issues that could come up should the Executive Director decide to recommend that an employee use an internal process.

There were several comments noting that inclusion of ''good cause'' language in section 2.04(b) of the Proposed Rules would allow a covered employee additional time to file a request for mediation outside of the statutory 15-day period. The commenter asserted that there is no support for a ''good cause'' extension in the statute, and thus the OOC lacks authority to create such an extension in its Proposed Procedural Rules.

Typically, a final decision as to timeliness is up to the Hearing Officer and neither the Office nor the Mediator will dismiss a request for mediation where the request may be late. The intent of this amendment was to allow the Office to close the case if a request for mediation was not timely filed and make the decision not to forward for mediation. Because the 15-day time limit in which to file a request for mediation is statutory, the Office has deleted the ''good cause'' language from the Adopted Rules. However, a case may be closed if the request for mediation is not filed within 15 days of receipt of a Notice of the End of Counseling. In most cases, the final decision as to whether a request for mediation has been timely filed is up to the fact finder. In any event, a decision on an issue of equitable tolling would still be up to the Hearing Officer to decide.

In section 2.04(f)(2) of the Proposed Rules, language was added to the agreement to mediate that read that the Agreement to Mediate would define what is to be kept confidential during mediation. Commenters noted that everything in mediation is confidential and the statute does not permit the parties, the Mediator, or the OOC to redefine or limit what aspects of the mediation are confidential and which are not. This addition in the Proposed Rules was intended to create a contractual agreement on confidential matters. There is no question that a person can waive confidentiality. But the default in this section should be that matters are confidential unless there is a waiver, not the other way around. Therefore, this language is being deleted from the Adopted Rules.

The Office received comments on section 2.04(g) related to the procedures by some oversight committees for approving settlements. Commenters requested that the proposed change be modified to make it clear that Members of the committees need not be present for mediation, nor must they be reachable by phone during the mediation. It is understood that in some cases, an oversight committee has specific procedures for approving settlements that might not fit exactly into the parameters established under section 2.04(g). Section 414 of the Act does provide for this. The Act states: ''Nothing in this chapter shall affect the power of the Senate and the House of Representatives, respectively, to establish rules governing the process by which a settlement may be entered into by such House or by any employing office of such House.'' Because this provision is set forth in the Act, it is not necessary to modify the language in section 2.04(g) of the Rules.

There were additional comments to proposed Procedural Rule 2.04(g). Commenters noted that the rule as proposed would grant the Mediator the authority to require ''any party'' to attend a mediation meeting in person and that there was nothing in the CAA that would give a Mediator this authority. As a general rule, Mediators do not ''direct'' individuals to attend mediation in person, unless the Mediator believes that a specific person's presence would advance the mediation. However, the Office has revised the language in the Adopted Rules to indicate that the Mediator may ''specifically request'' a party or individual's presence.

One commenter stated that the OOC should not alter established practice by participating in mediations, as allowed in Section 2.04(g). In response, the Office notes that as the 2004 Rules include the Office as a possible participant in mediation, the Proposed Rules did not change established practice. However, to ensure that participation by the Office does not interfere with the mediation process, the Amended Rules include language that requires the permission of the Mediator and the parties before the Office can participate in mediation. This is not meant to require permission from the parties when the Office appoints an in-house mediator. Such an appointment is left exclusively to the Executive Director.

There were several comments to section 2.04(i) of the Proposed Rules. Commenters noted that the notice of the end of mediation period should advise the employing office of the date and mode of transmission of the notice that was sent to the complainant or add a presumption to the new rule, stating that the notice is presumed to have been received on the day it is sent by facsimile or email, or within 5 calendar days if sent by first class mail.

However, the *Technical Amendments Act* modified section 404 of the CAA and established that the deadline to elect proceedings after the end of mediation was 'not later than 90 days but not sooner than 30 days after the *end of the period of mediation*.' (Emphasis added) As this changed the deadline from the receipt of the notice of end of mediation to the end of the mediation period itself, section 2.04(i) of the Adopted Rules was changed accordingly. Section 205(a), regarding election of proceedings, was also modified to reflect the changes made by *Technical Amendments Act*.

SUBPART C—COMPLIANCE, INVESTIGATION, AND ENFORCEMENT UNDER SECTION 210 OF THE CAA (ADA PUBLIC SERVICES)—INSPECTIONS AND COMPLAINTS

In the NPRM published on September 9, 2014, the Executive Director proposed a new Subpart C of the Procedural Rules setting forth rules and procedures for the inspection, investigation and complaint provisions contained in sections 210(d) and (f) of the CAA relating to Public Services and Accommodations under Titles II and III of the Americans with Disabilities Act (ADA). On September 9, 2014, the OOC Board also published a NPRM with substantive regulations implementing Section 210 of the CAA, including sections 210(d) and (f). In response to the NPRMs, the Executive Director received comments to both the proposed ADA procedural rules and the proposed substantive regulations that were similar or substantially related. While the ADA substantive regulations have been adopted by the Board of Directors, they have not yet been approved by Congress. The Executive Director has therefore decided to withdraw the proposed procedural rules contained in Subpart C relating to section 210 of the CAA. Any future procedural rules regarding the inspection, investigation and complaint provisions contained in sections 210(d) and (f) of the CAA relating to ADA Public Services and Accommodations will be promulgated when the substantive regulations implementing section 210 of the CAA have been approved.

SUBPART D—COMPLIANCE, INVESTIGATION, ENFORCEMENT AND VARIANCE PROCESS UNDER SECTION 215 OF THE CAA (OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970)—INSPECTIONS, CITATIONS, AND COMPLAINTS

Regarding sections 4.02(a), 4.03(a) and (b), two commenters objected to defining ''place of employment'' as ''any place where covered employees work.'' The 2004 Rules referred to ''places of employment under the jurisdiction of employing offices.'' The language in the 2004 Procedural Rules is the same language used in section 215(c)(1) of the CAA. Section 215(c)(1) describes the authorities of the General Counsel, which are the same as those granted to the Secretary of Labor by subsections (a), (d), (e), and (f) of section 8 of the Occupational Safety and Health Act of 1970 (OSHAct) (29 U.S.C. §§657(a), (d), (e), and (f)). Notably, section 8(a) grants the ''right to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment *where work is performed by an employee of an employer*.'' (Emphasis added). The CAA refers to the same authorities for periodic inspections as it does for requests for inspections, that is, section 215(c)(1), and therefore section 8(a) of the OSHAct. Thus, the General Counsel's authority for periodic inspections and requests for inspections covers not only legislative branch facilities that are under the jurisdiction of employing offices, such as the Hart or Rayburn office buildings, but any place where covered employees work, such as the Architect of the

Capitol's workshop in the U.S. Supreme Court building. One commenter expressed concern this would mean the General Counsel could visit a telework employee's home office to conduct an inspection, since the home office is where a covered employee works, but not where an employing office has ''jurisdiction''. However, the General Counsel would not inspect an area and make findings that are beyond the reach of any employing office to address. The efforts in this section of the Procedural Rules are intended to more accurately reflect, rather than broaden, its authority to inspect.

One commenter objected to language in section 4.02(a) that authorizes the General Counsel to review records ''maintained by or under the control of the covered entity.'' The 2004 Rules refers to records ''required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.'' The concern is that the General Counsel is imposing record-keeping requirements. However, the language does not require entities to create records or even to maintain records, but addresses the authority of the General Counsel to review records that are maintained. Further, whether a record is ''directly related to the purpose of the inspection'' is a matter that may be raised by an entity whether that language is in the section or not. The General Counsel is not seeking the right to review records that have nothing to do with the inspection. Moreover, whether a record is ''directly'' related is not always readily apparent when a record request is first made, and the better course is to avoid misunderstandings and delays in inspections because of a debate over degrees of relatedness.

One commenter suggested inserting the words ''upon notification to the appropriate employing office(s)'' in section 4.02(a) after, ''the General Counsel is authorized'' and before, ''to enter without delay and at reasonable times, . . .''. As noted above, that language is from section 8(a) of the OSHAct. There is no requirement to provide advance notice of an inspection to employing offices but in practice the approach of the General Counsel is to provide notification well in advance. The employing offices usually provide an escort for access and assistance during the inspection. The General Counsel has even rescheduled an inspection when no escort shows. The General Counsel's periodic inspection calendars are provided to employing offices at the beginning of each Congress and posted on the OOC's website.

The same commenter asked the Executive Director to revise section 4.03(a)(1) to reflect the General Counsel's practice of providing advance notice of an inspection and the scheduling of a pre-inspection opening conference. The current language requires that the General Counsel provide a copy of the notice of violation to the employing office ''no later than at the time of inspection.'' The commenter also asked the Executive Director to revise section 4.06(a), which states that advance notice of inspections may not be given except under the situations listed in (a)(1) through (4). The Executive Director agrees that the practice of the General Counsel has defaulted to giving advance notice, as opposed to not giving advance notice. However, flexibility is still needed to inspect without advance notice, usually for exigent circumstances. In such situations, and under the 2004 Procedural Rules, the General Counsel need not first persuade an employing office that the matter falls under an exception to advance notice.

The commenter also suggested that the Executive Director revise section 4.11 on Citations to reflect other processes used by OOC, such as the Serious Deficiency Notice and case reports, adding that the General Counsel rarely issues citations and does not issue *de minimis* violations. The commenter asked that the Executive Director change section 4.12 on Imminent Danger to include OOC's use of the Serious Deficiency Notice; change section 4.14 to require the General Counsel to notify the employing office that it failed to correct a violation before the General Counsel files a complaint, rather than having the notification be optional; and change section 4.25 on applications for temporary variances and other relief to include the Request for Modification of Abatement process used by the General Counsel.

The suggested changes regarding notification of inspections, citations, imminent danger, notification before filing a complaint, and applications for temporary variances/requests for modification of abatement, were raised by the commenter, not in response to any changes the Executive Director proposed in the NPRM. The Executive Director is therefore reluctant to discuss them without further notice and opportunity to comment for all stakeholders. While the processes of the General Counsel that have developed since 2004 in these areas are not wholly reflected in the Procedural Rules, they are not inconsistent with the Rules or with the authorities granted to the General Counsel under the CAA. They are examples of how the operational needs of the parties and OOC can be accommodated without first revising the Procedural Rules.

One commenter was supportive of OOC's effort to balance the OSHAct, which requires citations to be posted unedited and un-redacted, with concern over the disclosure of security information. More specifically, the Executive Director had added the following language to section 4.13(a) on the posting of citations: ''When a citation contains security information as defined in Title 2 of the U.S. Code, section 1979, the General Counsel may edit or redact the security information from the copy of the citation used for posting or may provide to the employing office a notice for posting that describes the alleged violation without referencing the security information.'' However, the commenter wanted the Executive Director to go further and include other security information, such as ''sensitive but unclassified'' information, and to address how OOC will protect all security information it encounters during all stages of the OSH inspection process. The Executive Director does not believe the Procedural Rules are the place for setting forth OOC's safeguards and internal handling procedures for security information. The reference to 2 U.S.C. §1979 was an effort to use an established definition of security information that applies to the Legislative Branch, rather than leaving it to the OOC to decide what is security information. A document marked as classified or sensitive but unclassified by the classifying or originating entity will be handled accordingly.

SUBPART E—COMPLAINTS

Commenters suggested deleting newly proposed language in section 5.01(b)(1) that would permit the Executive Director to return a complaint that was filed prematurely, without prejudice. The commenters asserted that the provision is unfair to employing offices and places the Executive Director in the position of giving legal advice to complainants.

The Office disagrees that allowing a complainant to cure a defect in their filing is improper, and has added language giving the Executive Director discretion to return all early filed Complaints to the complaining employee for filing within the prescribed period, and with an explanation of the applicable time limits. It is clear that no complaint will be processed until it is timely. Giving the Executive Director the discretion to return a complaint in these circumstances does not give the Executive Director the authority to process a complaint that is filed prematurely.

In comments to section 5.01(g) of the proposed regulations, commenters suggested that a respondent be permitted to file a motion to dismiss in lieu of an answer. They explained that the rule should give the Hearing Officer discretion to allow a respondent to file a motion to dismiss in lieu of an answer. Otherwise, a party will be forced to waste resources responding to a complaint that may be dismissed or significantly altered by a Hearing Officer's ruling on the motion to dismiss. They conclude that filing a motion to dismiss should suspend the obligation to file an answer.

The Office declines to make this change in the Adopted Rules, believing that a direct response to the allegations is vital, and any party wishing to file a motion to dismiss in addition to an answer may do so. While a motion to dismiss option was added to the Proposed Procedural Rules because many stakeholders indicated that they would like to see it added, this language was not intended to replace the filing of an answer. When there is no adverse action like a removal or suspension, and the claim involves harassment or retaliation, the employing office has no requirement to provide the complainant with the administrative file or investigation, and there is no requirement under the Rules that the agency provide this information before the time to answer. In those circumstances, the complainant must rely on the answer for information in order to respond. While it is in the Hearing Officer's discretion whether to extend the time to allow the respondent to file an answer and to stay discovery while ruling on a motion to dismiss, the Office has decided to keep language requiring an answer. In hearings under the CAA, the time frames are typically very short and a requirement for respondent to answer keeps the process moving forward.

Sections 5.03(f) and (g) of the Proposed Rules were modified to allow a Hearing Officer to dismiss a complaint after withdrawal—with or without prejudice. Several commenters objected to this change. One commenter suggested such a dismissal be with prejudice only, another suggested the Board identify factors a Hearing Officer must consider when dismissing a complaint or permitting a complainant to re-file, and another suggested the language be modified to clarify that a Hearing Officer cannot expand a complainant's time to file a complaint—and that a complaint that would otherwise be time-barred under section 404 may not be re-filed.

While it is clear that a withdrawal of a complaint with or without prejudice cannot be used to extend the statutory time frame, the Executive Director has added language to the Adopted Rules indicating that the authority of the Hearing Officer is consistent with section 404 of the CAA.

Section 5.03(h) was added in the Proposed Rules requiring a representative to provide sufficient notice to the Hearing Officer and the parties of his or her withdrawal in a matter, and clarifying that the employee will be considered pro se until another representative has been designated in writing. Commenters suggested that the Board define what is meant by ''sufficient'' notice.

The Office recognizes that with respect to the conduct of a hearing, the Hearing Officer is in the best position to determine what constitutes sufficient notice under the circumstances, and so must have flexibility in making determinations. Therefore, the Executive Director declines to make the changes as requested.

SUBPART F—DISCOVERY AND SUBPOENAS

In general, several commenters asserted that Proposed Procedural Rules sections 2.03(e)(1), 6.01(a), and 6.02(a) are invalid to the extent that they would limit the availability of OOC employees and records in the discovery process, because there is no statutory basis for this evidentiary privilege.

The Executive Director believes that the CAA's confidentiality requirements found in section 416 of the CAA confer upon the Office the obligation to safeguard the confidentiality of such information. Accordingly, to ensure that its intention to safeguard confidential information is clear, the Executive Director declines to make any changes in the A Rules to these sections.

In the Proposed Rules section 6.01(b) language about initial disclosure was modified to specify that information, including witness lists and discovery documents, must be provided to the opposing party within 14 days of a pre-hearing conference. A commenter suggested that this rule places an unfair burden on employing offices who should not be required to turn over witness lists and discovery documents without a request.

The Office believes that, given the limited time between the filing of a complaint and opening of the hearing, this requirement should be kept as proposed because it will promote the prompt and fair exchange of information and reduce delay in the proceedings. This process should not pose an unfair burden on employing offices because of the ready availability of the information to the employing office.

One commenter expressed concern that the changes proposed to section 6.01(c), permit the parties to engage in ''reasonable prehearing discovery,'' without defining what types of discovery are reasonable, or the volume of discovery that is appropriate, given the limited time involved in the process. The language in the 2004 Procedural Rules, permitting discovery only as authorized by the Hearing Officer was more equitable because the Hearing Officer had greater control over the proceedings, and better ability to prevent discovery abuses, or the use of delay tactics. Additionally, application of the Federal Rules of Civil Procedure to the types and volume of discovery may be helpful to the parties' understanding of the process.

This comment misapprehends the Hearing Officer's authority. Section 405(e) of the CAA provides that ''[r]easonable prehearing discovery may be permitted at the discretion of the hearing officer.'' The authority is therefore permissive, not restrictive. It has always been the policy of the Office to encourage early and voluntary exchange of relevant information and the Rules, as amended, allow a hearing officer to authorize discovery, but do not mandate it.

One commenter suggested that section 6.01(c)(1) be modified to state that, when a motion to dismiss is filed, discovery is stayed until the Hearing Officer has ruled on the motion.

The Executive Director declines to make this modification. As noted above, because the time frames in the hearing process are limited, requiring that discovery be stayed until there is a ruling on a motion to dismiss could take up valuable time. In any event, the Hearing Officer should have the most flexibility to make a decision to stay discovery depending on the circumstances of each case.

Section 6.01(d)(1) of the Proposed Rules provides: ''A party must make a claim for privilege no later than the due date for the production of the information.'' One commenter suggested that a claim for privilege belongs to a party and cannot be waived except by the party. Thus, section 6.01(d)(1) cannot place a limitation on a party's right to assert a privilege and would be inconsistent with the inadvertent disclosure identified in section 6.01(d)(2). As an example, the commenter notes that one may have inadvertently disclosed privileged information on the last day of discovery which would require that it be returned or destroyed in accordance with section 6.01(d)(2). However, if the privilege was not asserted on the last day of discovery, the Procedural Rules would allow the opposing party to keep the inadvertently disclosed documents. Thus, by limiting the timing of the asserted privilege, a conflict is created between sections 6.01(d)(1) and 6.01(d)(2).

The Office is not attempting, by this rule, to place a limit on a party's right to assert a privilege, but rather to ensure that if a party intends to assert a privilege it does so in a timely way. Until a privilege is asserted, the assumption is that the information is not privileged. Therefore, this rule is not inconsistent with section 6.01(d)(2) that requires that information that has been claimed as privileged and inadvertently disclosed be returned or destroyed, even if disclosed on the last day of discovery.

Section 6.02(a) was modified in the Proposed Rules to clarify that OOC employees and service providers acting in their official capacities, and confidential case-related documents maintained by the OOC, cannot be subpoenaed. In addition, the rules clarify that employing offices must make their employees available for discovery and hearings without a subpoena. One commenter requested that an employing office only be required to make available witnesses under their control during actual work hours and work shifts on the day of the hearing and, otherwise, that subpoenas be used. Another commenter suggested the provision be revised to state: ''Employing offices shall make reasonable efforts to make their management-level employees available for discovery and hearing without requiring a subpoena.''

Often, the timing and pacing of a hearing depends on the availability of witnesses. The Executive Director believes that it is important that the parties willingly commit to the hearing process to ensure the most efficient and equitable outcome possible. By requiring employing offices to make their employees available without a subpoena, the purpose of the Proposed Rule was to ensure that employees will be readily available when called as witnesses, therefore reducing the administrative burdens on the parties, the Hearing Officer, and the Office.

SUBPART G—HEARINGS

As a general comment, one commenter stated that it was unclear what authority under the CAA the Board of Directors was utilizing to authorize a Hearing Officer to issue sanctions under sections 7.02 and 7.12(b). The commenter maintained that sanctions are not authorized under the CAA and, thus, Procedural Rules incorporating substantive provisions are beyond the scope of authority permitted under the CAA. The commenter further suggested that because sanctions provisions affect the rights of the parties, they are substantive in nature and the appropriate avenue should a substantive sanctions provision be requested is to pursue a statutory amendment to the CAA.

The Executive Director disagrees. It is clear that a Hearing Officer has the ability to use sanctions to run an orderly and proper hearing. Moreover, the CAA provides this authority. Thus, under section 405(d) of the CAA, the Hearing Officer is required to conduct the hearing in ''accordance with the principles and procedures set forth in section 554 through 557 of title 5.'' Specifically, under 5 U.S.C.557: ''The record shall show the ruling on each finding, conclusion, or exception presented. All decisions, including initial, recommended, and tentative decisions, are a part of the record and shall include a statement of . . . the appropriate rule, order, sanction, relief, or denial thereof.'' Further, under section 405(g) of the CAA, ''the hearing officer shall issue a written decision [that] shall . . . contain a determination of whether a violation has occurred and order such remedies as are appropriate pursuant to subchapter II of this chapter.''

Another comment in this area pointed to section 7.02(b)(1)(G) of the 2004 Rules that authorizes a Hearing Officer to ''order that the non-complying party, or the representative advising that party, pay all or part of the attorney's fees and reasonable expenses of the other party or parties or of the Office, caused by such non-compliance, unless the Hearing Officer or the Board finds that the failure was substantially justified or that other circumstances make an award of attorney's fees and/or expenses unjust.''

The Office notes that because section 415 of the CAA requires that only funds appropriated to an account of the Office in the Treasury may be used for the payment of awards and settlements under the CAA, this provision has been deleted from the Adopted Rules.

Section 7.02(b)(4) of the Proposed Rules permits a Hearing Officer to dismiss a frivolous claim. One commenter suggested that this rule be modified to make it clear that, when a respondent has moved to dismiss a claim on the grounds that it is frivolous, no answer should be required to be filed and no discovery taken ''unless and until the motion is denied.'' Another commenter suggested that allegations that a claim is frivolous be resolved through a motion to dismiss, referenced in section 5.01(g).

As stated previously, the Executive Director is declining to delete the requirement that an answer be filed in all complaint proceedings. Moreover, the Office recognizes that a claim alleging that a matter is frivolous may always be subject to a motion to dismiss and the Hearing Officer has the discretion to move the case as appropriate. Therefore, qualifying language need not be included in these rules. In order to clarify one point, the Office has added language indicating that a Hearing Officer may dismiss a claim, *sua sponte*, for the filing of a frivolous claim.

Some commenters noted that the CAA did not authorize each of the remedies for failure to maintain confidentiality under section 7.02(b)(5). While the Hearing Officer is authorized to issue a decision under section 405, the commenters note that Congress did not authorize remedies for breach of confidentiality. Accordingly, the Board of Directors of the Office of Compliance is required to seek a statutory correction should it desire to provide remedies for breach of confidentiality. Where Congress sought to provide a remedy under the CAA, it specifically incorporated it. Compare 2 U.S.C. 1313(b), 2 U.S.C. 1314(b), 2 U.S.C. 1317(b), and 2 U.S.C. 1331(c) incorporating a remedy provision with the absence of a remedy provision in 2 U.S.C. 1416.

For the reasons below, the Office declines to delete this section. The CAA does provide for sanctions and remedies for the failure to maintain confidentiality. Under the Office of Compliance Administrative and Technical Corrections Act of 2015, section 2 U.S.C. 1416(c) of the CAA was amended to: ''The Executive Director shall notify each person participating in a proceeding or deliberation to which this subsection applies of the requirements of this subsection and *of the sanctions applicable to any person who violates the*

requirements of this subsection.'' (Emphasis added.)

Section 7.07 gives the Hearing Officer discretion when a party fails to appear for hearing. One commenter suggested that the rule be amended to require the complainant to appear at hearings.

The rule, as written, is intended to allow the Hearing Officer discretion to determine when the presence of a party is required for the proceeding to move forward.

With respect to sections 7.13(d) and (e), one commenter noted that these sections ''purport to limit the availability of interlocutory appeals'', and section 8.01(e) purports to limit the availability of judicial review. Because these issues should be addressed by substantive rulemaking, these proposed Procedural Rules are invalid and should not be adopted.

These provisions are not substantive, but are procedural. Therefore no changes need to be made. Thus, under the Proposed Rules, the time within which to file an interlocutory appeal is described in section 7.13(b); section 7.13(c) provides the standards upon which a Hearing Officer determines whether to forward a request for interlocutory review to the Board; and section 7.13(d) provides that the decision of the Hearing Officer to forward or decline to forward a request for review is not appealable. The Office's rule permitting the Hearing Officer to determine whether a question should be forwarded to the Board is consistent with judicial practice, and the Board retains discretion whether or not to entertain the appeal. Under 28 USC 1292(b):

When a district judge, in making in a civil action an order not otherwise appealable under this section,[1] shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* that application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

There were several comments on section 7.15(a) of the Proposed Regulations regarding the closing of the record of the hearing. One commenter noted that the OOC should identify what factors or guidance a Hearing Officer must follow in determining the amount of time that the record is to remain open. Another commenter objected to allowing any documents to be entered into the record after the close of a hearing.

A complete record is essential to a determination by the Hearing Officer. The Hearing Officer is in the best position to determine how long the record should be kept open and what information is most relevant to creating a complete record upon which to issue a decision. Because the Hearing Officer should be accorded appropriate discretion, the Executive Director sees no reason to make the changes noted.

There were several comments to section 7.16 concerning sufficient time to respond to motions. One commenter recommended that a provision be added to the Rules stating that a Hearing Officer shall provide a party at least two business days to respond to a written motion. Another commenter recommended that a rule be adopted that expressly permits the hearing to be opened just for purposes of arguing a dispositive motion, such as a motion to dismiss, thereby allowing the parties to avoid spending time and resources when a case can be dismissed because it is frivolous or because it fails to state a claim.

The Executive Director does not believe that any revisions are required to this section. As the time frames under the CAA for the issuance of the decision of a Hearing Officer are very short (a decision must be issued within 90 days of the end of the hearing), it is crucial that the Hearing Officer be accorded the most discretion in conducting the hearing.

One commenter suggested that the Rules include directions to Hearing Officers to *sua sponte* dismiss abated cases. The commenter maintained that when a Member of the House of Representatives leaves office, the Member's personal office ceases to exist and the case abates. Citing *Hamilton-Hayyim* v. *Office of Congressman Jackson*, Case No. 12–C–6392, 2014 WL 1227243 (N.D. 111. Mar. 25, 2014); accord *Oklahoma Natural Gas Co.* v. *Oklahoma,* 273 U.S. 257, 259–260 (1927); *Bowles* v. *Wilke,* 175 F.2d 35. 38–39 (7th Cir. 1949), the commenter noted that the CAA ''demonstrates a congressional mandate . . . to end any employment action liability of that respective Member's personal office'' at the time the Member leaves office. *Hamilton-Hayyim,* 2014 WL 1227243 at *2.10 When a Hearing Officer becomes aware that a Member's personal office ceases to exist, the Rules should provide that the Hearing Officer will dismiss the case, *sua sponte.*

For the reasons stated herein, the Office disagrees with this interpretation and the Executive Director declines to provide such a rule, leaving it to the Hearing Officer or Board to make the determination on the issue. An ''employing office'' does not cease to exist when a Member resigns or otherwise leaves office. The clear intent of the CAA is to subject the Legislative Branch to liability for violation of federal employment laws, not to subject Members personally to such liability. 2 U.S.C. §1302. Moreover, a Member is not directly involved in the litigation, as Congress's attorneys defend the action and have the ultimate authority to make litigation decisions. Id. §1408(d). Additionally, there is no financial risk to a Member, as any monetary settlement or award is paid from a statutory fund. Id. §1415(a).

Courts considering this issue have reached this same conclusion. In *Hanson* v. *Office of Senator Mark Dayton,* 535 F. Supp. 2d 25 (D.D.C. 2008), the court found no ambiguity as to the meaning of the term ''employing office'' and opined that although the CAA defines ''employing office'' as the personal office of a Member, there is absolutely no indication in the CAA or elsewhere that Congress intended the naming device to insulate former Congressional offices from suit under the CAA. The court therefore expressly held that the expiration of a Senator's term did not moot or abate the lawsuit. Indeed, the term ''employing office'' is merely ''an organizational division within Congress, established for Congress's administrative convenience, analogous to a department within a large corporation'' and the term exists solely ''to be named as a defendant in [CAA] actions.'' *Fields* v. *Office of Eddie Bernice Johnson,* 459 F. 3d 1, 27–29 (D.C. Cir. 2006); see *Bastien* v. *Office of Senator Ben Nighthorse Campbell,* No. 01–cv–799, 2005 WL 3334359, at *4, (D. Colo. Dec. 5, 2005) (''[T]he term 'employing office' actually refers to Congress and Congress is the responsible entity under the CAA.''), quoted in 454 F.3d 1072, 1073 (10th Cir. 2006).

To the extent that the commenter disagrees with the above explanation and relies on *Hamilton-Hayyim* v. *Office of Congressman Jesse Jackson, Jr.,* No. 12–c–6392, 2014 WL 1227243 (N.D. Ill. Mar. 25, 2014), it is the belief of the Office that the case misapplied clearly established law as described above and should not affect the Procedural Rules. *Hamilton-Hayyim* conflates the issue of successor or continuing liability under Rule 25(d) of the Federal Rules of Civil Procedure with the role of an ''employing office'' in a suit under the CAA. As grounds for its holding, the court in *Hamilton-Hayyim* found that a suit against an employing office becomes moot or abates upon the resignation of a Member because Congress did not statutorily create successor liability which infers that ''Congress certainly does not want to burden a new Member with the liability of a former Member.'' Id. at *2. This rationale does not comport with the CAA. There is no burden on a new Member resulting from an existing action against a former Member under the CAA because the obligation to provide a legal defense rests with the Office of House Employment Counsel and any resulting financial responsibility is paid through a fund. 2 U.S.C. §1408, 1415(a). The Executive Director believes that the holding in *Hamilton-Hayyim* is contrary to the clear intent of the CAA which is to hold Legislative Branch employing offices, not Members, accountable for violations of specific labor and employment laws. Because an employing office does not cease to exist for purposes of suit under the CAA when a Member leaves office, the Executive Director declines to make the change suggested.

SUBPART I—OTHER MATTERS OF GENERAL APPLICABILITY

One commenter stated that section 9.01(a) is unclear as to what is meant by a ''decision of the Office.'' If the procedural rule is meant to be a decision of the Board of Directors of the Office of Compliance, the rule should be clarified. The definition of a final decision of the Office can be found in sections 405(g)[2] and 406(e)[3] of the CAA. Therefore no further revisions are necessary.

There were comments to section 9.02(c)(2) of the Proposed Rules asking for clarification of the circumstances under which the Office or a Hearing Officer would initiate settlement discussions once the mediation period has ended. The Office sees no reason to change the language. As there are many situations that can come up in hearing where a Hearing Officer may conclude that the parties are interested in discussing settlement, the decision as to whether to initiate settlement discussions should be left up to the Office or Hearing Officer as circumstances dictate.

One commenter noted that Proposed Procedural Rule §9.03(d) would give the Executive Director sole authority to resolve alleged violations of settlement agreements, in the event that the parties do not agree on a method for resolving disputes. There is nothing in the CAA that gives the Executive Director the authority to resolve contractual disputes, and this rule should not be adopted.

The Office notes that the rule specifically states that the Office may provide assistance in resolving the dispute, including the services of a mediator and that allegations of a

[1] Orders other than ''[i]nterlocutory orders . . . granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions. . . .''

[2] Section 405 Complaint and Hearing, (g) Decision. ''. . . If a decision is not appealed under section 1406 of this title to the Board, the decision shall be considered the final decision of the Office.''

[3] Section 406 Appeal to the Board, (e) Decision. ''. . . A decision that does not require further proceedings before a hearing officer shall be entered in the records of the Office as a final decision.''

breach of a settlement will be reviewed, investigated, or mediated as appropriate. It does not say that the Executive Director will resolve those alleged violations, but rather, assist the parties in doing so.

One commenter noted that proposed Procedural Rule §9.04 states that, after a settlement agreement has been approved by the Executive Director, ''[n]o payment shall be made from such account until the time for appeal of a decision has expired.'' This rule should clarify that it does not apply to settlements reached in the absence of a ''decision'' that may be appealed.

The Office has clarified section 9.04 in the Amended Rules and included language that indicates that this rule does not apply to situations where a settlement has been reached and there is no decision that could be appealed.

EXPLANATION REGARDING THE TEXT OF THE PROPOSED AMENDMENTS:

Material from the 2004 version of the Rules is printed in roman type. The text of the adopted amendments shows *[deletions in italicized type within bold italics brackets]* and **added text in underlined bold.** Only subsections of the Rules that include adopted amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, un-amended text within a section has not been reproduced in this document. The insertion of a series of asterisks (* * * * *) indicates that the un-amended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not proposed to be amended, please access the Office of Compliance web site at www.compliance.gov.

ADOPTED AMENDMENTS

SUBPART A—GENERAL PROVISIONS

§ 1.01 Scope and Policy.

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A, B, C, and D of title II of the Congressional Accountability Act of 1995. The rules include **definitions,** procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States **under Part A of title II**. The rules also address the procedures for **compliance, investigation, and enforcement under Part B of title II, *[variances]*** and **for** compliance, investigation, ***[and]*** enforcement**, and variance** under Part C of title II**. The rules include *[and]*** procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02 Definitions.

Except as otherwise specifically provided in these rules, for purposes of this Part:

. . . . .

(b) *Covered Employee*. The term ''covered employee'' means any employee of

. . . . .

(3) the *[Capitol Guide Service]* **Office of Congressional Accessibility Services**;
(4) the Capitol Police;

. . . . .

(9) for the purposes stated in paragraph (q) of this section, the *[General Accounting]* **Government Accountability** Office or the Library of Congress.

. . . . .

(d) *Employee of the Office of the Architect of the Capitol*. The term ''employee of the Office of the Architect of the Capitol'' includes any employee of the Office of the Architect of the Capitol, **or** the Botanic Garden *[or the Senate Restaurants]*.

(e) *Employee of the Capitol Police*. The term ''employee of the Capitol Police'' includes civilian employees and any member or officer of the Capitol Police.

(f) *Employee of the House of Representatives*. The term ''employee of the House of Representatives'' includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives, but not any such individual employed by any entity listed in subparagraphs *[(3)]* **(2)** through (9) of paragraph (b) above.

(g) *Employee of the Senate*. The term ''employee of the Senate'' includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs **(1) and** (3) through (9) of paragraph (b) above.

(h) *Employing Office*. The term ''employing office'' means:

. . . . .

(4) the *[Capitol Guide Service]* **Office of Congressional Accessibility Services,** the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or

(5) for the purposes stated in paragraph *[(q)]* **(r)** of this section, the *[General Accounting]* **Government Accountability** Office and the Library of Congress

. . . . . .

(j) *Designated Representative.* The term ''designated representative'' means an individual, firm, or other entity designated in writing by a party to represent the interests of that party in a matter filed with the Office.

. . . . .

—Re-letter subsequent paragraphs—

*[(o)]***(p)** *General Counsel*. The term ''General Counsel'' means the General Counsel of the Office of Compliance **and any authorized representative or designee of the General Counsel.**

*[(p)]***(q)** *Hearing Officer*. The term ''Hearing Officer'' means any individual [designated] **appointed** by the Executive Director to preside over a hearing conducted on matters within the Office's jurisdiction.

*[(q)]***(r)** *Coverage of the [General Accounting] **Government Accountability** Office and the Library of Congress and their Employees*. The term ''employing office'' shall include the *[General Accounting]* **Government Accountability** Office and the Library of Congress, and the term ''covered employee'' shall include employees of the *[General Accounting]* **Government Accountability** Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

. . . . .

§ 1.03 Filing and Computation of Time

(a) *Method of Filing*. Documents may be filed in person, **electronically, by facsimile (FAX),** or by mail, including express, overnight and other expedited delivery. *[When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format. Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. In addition, the Board or a Hearing Officer may order other documents to be filed by FAX. The original copies of documents filed by FAX must also be mailed to the Office no later than the day following FAX transmission.]* The filing of all documents is subject to the limitations set forth below. **The Board, Hearing Officer, the Executive Director, or the General Counsel may, in their discretion, determine the method by which documents may be filed in a particular proceeding, including ordering one or more parties to use mail, FAX, electronic filing, or personal delivery. Parties and their representatives are responsible for ensuring that the Office always has their current postal mailing and e-mail addresses and FAX numbers.**

. . . . .

(2) ***[Mailing]* *By Mail.***

[(i) If mailed, including express, overnight and other expedited delivery, a request for mediation or a complaint is deemed filed on the date of its receipt in the Office.] *[(ii) A document,]* **Documents,** *[other than a request for mediation, or a complaint, is]* **are** deemed filed on the date of *[its]* **their** postmark or proof of mailing to the Office. Parties, including those using franked mail, are responsible for ensuring that any mailed document bears a postmark date or other proof of the actual date of mailing. In the absence of a legible postmark a document will be deemed timely **filed** if it is received by the Office at Adams Building, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999, by mail within five (5) days of the expiration of the applicable filing period.

(3) ***By FAX*** *[Faxing Documents.]* Documents transmitted by FAX machine will be deemed filed on the date received at the Office at 202–426–1913, or*[, in the case of any document to be filed or submitted to the General Counsel,]* on the date received at the Office of the General Counsel at 202–426–1663 **if received by 5:00 PM Eastern Time. Faxed documents received after 5:00 PM Eastern Time will be deemed filed the following business day.** A FAX filing will be timely only if the document is received no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. *[The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner, provided that the status report indicates the date of the FAX, the receiver's FAX number, the number of pages included in the FAX, and that transmission was completed.]* **The time displayed as received by the Office on its FAX status report will be used to show the time that the document was filed. When the Office serves a document by FAX, the time displayed as sent by the Office on its FAX status report will be used to show the time that the document was served. A FAX filing cannot exceed 75 pages, inclusive of table of contents, table of authorities, and attachments. Attachments exceeding 75 pages must be submitted to the**

Office in person or by electronic delivery. The date of filing will be determined by the date the brief, motion, response, or supporting memorandum is received in the Office, rather than the date the attachments, were received in the Office.

(4) *By Electronic Mail.* Documents transmitted electronically will be deemed filed on the date received at the Office at oocefile@compliance.gov, or on the date received at the Office of the General Counsel at OSH@compliance.gov if received by 5:00 PM Eastern Time. Documents received electronically after 5:00 PM Eastern Time will be deemed filed the following business day. An electronic filing will be timely only if the document is received no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party filing a document electronically bears the responsibility for ensuring both that the document is timely and accurately transmitted and for confirming that the Office has received the document. The time displayed as received or sent by the Office will be based on the document's timestamp information and used to show the time that the document was filed or served.

(b) *Service by the Office.* At its discretion, the Office may serve documents by mail, FAX, electronic transmission, or personal or commercial delivery.

[(b)] **(c)** *Computation of Time.* All time periods in these rules that are stated in terms of days are calendar days unless otherwise noted. However, when the period of time prescribed is five (5) days or less, intermediate Saturdays, Sundays, *[and]* federal government holidays, **and other full days that the Office is officially closed for business** shall be excluded in the computation. To compute the number of days for taking any action required or permitted under these rules, the first day shall be the day after the event from which the time period begins to run and the last day for filing or service shall be included in the computation. When the last day falls on a Saturday, Sunday, *[or]* federal government holiday, **or a day the Office is officially closed**, the last day for taking the action shall be the next regular federal government workday.

[(c)] **(d)** *Time Allowances for Mailing, **Fax, or Electronic Delivery** of Official Notices.* Whenever a person or party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon him or her and the notice or document is served by *[regular, first-class]* mail, five (5) days shall be added to the prescribed period. *[Only two (2) days shall be added if a document is served by express mail or other form of expedited delivery.]* When documents are served by certified mail, return receipt requested, the prescribed period shall be calculated from the date of receipt as evidenced by the return receipt. **When documents are served electronically or by FAX, the prescribed period shall be calculated from the date of transmission by the Office.**

[(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or filed by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.]

***[§ 9.01]* § 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses and Other Documents.**

(a) *Filing with the Office; Number **and Format.*** **One copy of requests for counseling and mediation, requests for inspection under OSH, unfair labor practice charges, charges under titles II and III of the ADA,** *[one original and three copies of]* all motions, briefs, responses, and other documents must be filed *[,whenever required,]* with the Office or Hearing Officer. *[However, when a party aggrieved by the decision of a Hearing Officer or a party to any other matter or determination reviewable by the Board files an appeal or other submission with the Board, one original and seven copies of any submission and any responses must be filed with the Office. The Office, Hearing Officer, or Board may also request a]* **A** party *[to submit]* **may file** an electronic version of any submission in a *[designated]* format **designated by the Executive Director, General Counsel, Hearing Officer, or Board**, with receipt confirmed by electronic transmittal in the same format.

(b) *Service.* The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the Office, other than the request for counseling, the request for mediation and complaint. Service shall be made by mailing, **by fax or e-mailing,** or by hand delivering a copy of the motion, brief, response or other document to each party, or if represented, the party's representative, on the service list previously provided by the Office. Each of these documents must be accompanied by a certificate of service specifying how, when and on whom service was made. It shall be the duty of each party to notify the Office and all other parties in writing of any changes in the names or addresses on the service list.

. . . . .

(d) *Size Limitations.* Except as otherwise specified *[by the Hearing Officer, or these rules,]* no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 **double-spaced** pages, *[or 8,750 words,]* exclusive of the table of contents, table of authorities and attachments. The Board, the **Executive Director,** or Hearing Officer may *[waive, raise or reduce]* **modify** this limitation **upon motion and** for good cause shown**;** or on *[its]* **their** own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8-1/2″ x 11″). **To the extent that such a filing exceeds 35 double-spaced pages, the Hearing Officer, Board, or Executive Director may, in their discretion, reject the filing in whole or in part, and may provide the parties an opportunity to refile.**

***[§ 9.02]* § 1.05 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions.**

(a) *Signing.* Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. **In the case of an electronic filing, an electronic signature is acceptable.** The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(b) *Sanctions.* If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon *[its]* **their** own initiative, *[shall]* **may** impose *[upon the person who signed it, a represented party, or both,]* an appropriate sanction, which may include *[an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include]* the sanctions specified in section 7.02*[, for any other violation of these rules that does not result from reasonable error]*.

***[§ 1.04]* § 1.06 Availability of Official Information.**

(a) *Policy.* It is the policy of the Board, the *[Office]* **Executive Director**, and the General Counsel, except as otherwise ordered by the Board, to make available for public inspection and copying final decisions and orders of the Board and the Office, as specified and described in paragraph (d) below.

. . . . .

(c) *Copies of Forms.* Copies of blank forms prescribed by the Office for the filing of complaints and other actions or requests may be obtained from the Office **or on line at www.compliance.gov**.

. . . . .

(f) *Access by Committees of Congress. [At the discretion of the Executive Director, the]* **The** Executive Director**, at his or her discretion,** may provide to the *[Committee on Standards of Official Conduct of the House of Representatives]* **House Committee on Ethics** and the *[Select Committee on Ethics of the Senate]* **U.S. Senate Select Committee on Ethics** access to the records of the hearings and decisions of the Hearing Officers and the Board, including all written and oral testimony in the possession of the Office. The identifying information in these records may be redacted at the discretion of the Executive Director. The Executive Director shall not provide such access until the Executive Director has consulted with the individual filing the complaint at issue, and until a final decision has been entered under section 405(g) or 406(e) of the Act.

***[§ 1.05]* § 1.07 Designation of Representative.**

(a) *[An employee, other charging individual or]* **A** party *[a witness, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation]* wishing to be represented *[by another individual,]* must file with the Office a written notice of designation of representative**. No more than one representative, *[or]* firm, or other entity may be designated as representative for a party for the purpose of receiving service, unless approved in writing by the Hearing Officer or Executive Director.** The representative may be, but is not required to be, an attorney. **If the representative is an attorney, he or she may sign the designation of representative on behalf of the party.**

(b) *Service Where There is a Representative. [All service]* **Service** of documents shall be *[directed to]* **on** the representative unless **and until such time** as the represented *[individual, labor organization, or employing office]* **party or representative, with notice to the party,** *[specifies otherwise and until such time as that individual, labor organization, or employing office]* notifies the Executive Director, **in writing,** of *[an amendment]* **a modification** or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials *[by the represented individual or entity]* shall be computed in the same manner as for **those who are** unrepresented *[individuals or entities]*, with service of the documents, however, directed to the representative*[, as provided]*.

(c) *Revocation of a Designation of Representative.* A revocation of a designation of representative, whether made by the party or by the representative with notice to the party, must be made in writing and filed with the Office. The revocation will be deemed effective the date of receipt by the Office. At the discretion of the Executive Director, General Counsel, Mediator, Hearing Officer, or Board, additional time may be provided to allow the party to designate a new representative as consistent with the Act.

***[§ 1.06]* § 1.08 *[Maintenance of]* Confidentiality.**

(a) *Policy.[In accord with section 416 of the Act, it is the policy of]* **Except as provided in sections 416(d), (e), and (f) of the Act,** the Office *[to]* **shall** maintain*[, to the fullest extent possible,*

the] confidentiality in counseling, mediation, **and in [***of]* the proceedings and deliberations **of Hearing Officers and the Board in accordance with sections 416(a), (b), and (c) of the Act.** *[of the participants in proceedings conducted under sections 402, 403, 405 and 406 of the Act and these rules.]*

(b) *[At the time that any individual, employing office or party, including a designated representative, becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding, the Office will advise the participant of the confidentiality requirements of section 416 of the Act and these rules and that sanctions may be imposed for a violation of those requirements.]* ***Participant.*** **For the purposes of this rule, participant means an individual or entity who takes part as either a party, witness, or designated representative in counseling under Section 402 of the Act, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under Section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.**

(c) ***Prohibition.*** **Unless specifically authorized by the provisions of the Act or by these rules, no participant in counseling, mediation or other proceedings made confidential under Section 416 of the Act (''confidential proceedings'') may disclose a written or oral communication that is prepared for the purpose of or that occurs during counseling, mediation, and the proceedings and deliberations of Hearing Officers and the Board.**

(d) ***Exceptions.*** **Nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings when reasonably necessary to investigate claims, ensure compliance with the Act or prepare its prosecution or defense. However, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information. These rules do not preclude a Mediator from consulting with the Office with permission from the party that is the subject of the consultation, except that when the covered employee is an employee of the Office a Mediator shall not consult with any individual within the Office who might be a party or witness. These rules do not preclude the Office from reporting statistical information to the Senate and House of Representatives.**

(e) ***Contents or Records of Confidential Proceedings.*** **For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by the opposing party, witnesses, or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.**

(f) ***Sanctions.*** **The Executive Director will advise all participants in mediation and hearing at the time they become participants of the confidentiality requirements of Section 416 of the Act and that sanctions may be imposed by the Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause and the particulars of which must be stated in the sanction order.**

[§ 1.07 Breach of Confidentiality Provisions.

(a) In General. Section 416(a) of the CAA provides that counseling under section 402 shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations. Section 416(b) provides that all mediation shall be strictly confidential. Section 416(c) provides that all proceedings and deliberations of Hearing Officers and the Board, including any related records shall be confidential, except for release of records necessary for judicial actions, access by certain committees of Congress, and, in accordance with section 416(f), publication of certain final decisions. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. See also sections 1.06, 5.04, and 7.12 of these rules.

(b) Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA (''confidential proceedings'') may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

(c) Participant. For the purposes of this rule, participant means any individual or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

(d) Contents or Records of Confidential Proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained a confidential proceeding.

(e) Violation of Confidentiality. Any complaint regarding a violation of the confidentiality provisions must be made to the Executive Director no later than 30 days after the date of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer. The Hearing Officer is also authorized to initiate proceedings on his or her own initiative, or at the direction of the Board, if the alleged violation occurred in the context of Board proceedings. Upon a finding of a violation of the confidentiality provisions, the Hearing Officer, after notice and hearing, may impose an appropriate sanction, which may include any of the sanctions listed in section 7.02 of these rules, as well as any of the following:

(1) an order that the matters regarding which the violation occurred or any other designated facts shall be taken to be established against the violating party for the purposes of the action in accordance with the claim of the other party;

(2) an order refusing to allow the violating party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(3) an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing with or without prejudice the action or proceedings or any part thereof, or rendering a judgment by default against the violating party;

(4) in lieu of any of the foregoing orders or in addition thereto, the Hearing Officer shall require the party violating the confidentiality provisions or the representative advising him, or both, to pay, at such time as ordered by the Hearing Officer, the reasonable expenses, including attorney fees, caused by the violation, unless the Hearing Officer finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. Such an order shall be subject to review on appeal of the final decision of the Hearing Officer under section 406 of the Act. No sanctions may be imposed under this section except for good cause and the particulars of which must be stated in the sanction order.]

SUBPART B—PRE-COMPLAINT PROCEDURES APPLICABLE TO CONSIDERATION OF ALLEGED VIOLATIONS OF PART A OF TITLE II OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

§ 2.01 Matters Covered by Subpart B.

(a) These rules govern the processing of any allegation that sections 201 through 206 of the Act have been violated and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 201 through 206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

. . . . .

(10) Chapter 35 (relating to veteran's preference) of title 5, United States Code
(11) Genetic Information Nondiscrimination Act of 2008.

(b) This subpart applies to the covered employees and employing offices as defined in section 1.02(b) and (h) of these rules and any activities within the coverage of sections 201 through 206**(a)** and 207 of the Act and referenced above in section 2.01(a) of these rules.

* * * * *

§ 2.03 Counseling.

(a) *Initiating a Proceeding; Formal Request for Counseling.**[In order]*** **T**o initiate a proceeding under these rules **regarding an alleged violation of the Act, as referred to in section 2.01(a), above**, an employee shall file a written request for counseling with the Office**[.]** *[regarding an alleged violation of the Act, as referred to in section 2.01(a), above.]* **Individuals wishing to file a formal request for counseling may call the Office for a form to use for this purpose.** *[All requests for counseling shall be confidential, unless the employee agrees to waive his or her*

right to confidentiality under section 2.03(e)(2), below.]

(b) *Who May Request Counseling.* A covered employee who**, in good faith,** believes that he or she has been or is the subject of a violation of the Act as referred to in section 2.01(a) may formally request counseling.

(c) *When, How and Where to Request Counseling.* A request for counseling must be in writing, and shall be filed pursuant to the requirements of section 2.03(a) of these Rules with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; FAX 202–426–1913; TDD 202–426–1912, not later than 180 days after the alleged violation of the Act.

(d) *[Purpose]* ***Overview*** of **the** *Counseling Period.* **The Office will maintain strict confidentiality throughout the counseling period.** The *[purpose of the]* counseling period *[shall]* **should** be **used**: to discuss the employee's concerns and elicit information regarding the matter(s) which the employee believes constitute a violation(s) of the Act; to advise the employee of his or her rights and responsibilities under the Act and the procedures of the Office under these rules; to evaluate the matter; and to assist the employee in achieving an early resolution of the matter, if possible.

(e) *Confidentiality and Waiver.*

(1) Absent a waiver under paragraph 2, below, all counseling shall be **kept** strictly confidential **and shall not be subject to discovery. All participants in counseling shall be advised of the requirement for confidentiality and that disclosure of information deemed confidential could result in sanctions later in the proceedings.** Nothing in these rules shall prevent a counselor from consulting with personnel within the Office concerning a matter in counseling, except that, when the person being counseled is an employee of the Office, the counselor shall not consult with any individual within the Office who might be a party or witness without the consent of the person requesting counseling. Nothing contained in these rules shall prevent the Executive Director from **compiling and publishing statistical information such as that required by Section 301(h)(3) of the Act,** so long as that statistical information does not reveal the identity of *[the employees]* **an individual employee** *[involved]* or of **an** employing office*[s]* that *[are]* **is** the subject of a **specific** request for counseling.

(2) *[The]* **In accord with section 416(a) of the Act, the** employee and the Office may agree to waive confidentiality *[of]* **during** the counseling process for the limited purpose of **allowing the Office** *[contacting the employing office]* to *[obtain information]* **notify the employing office of the allegations** *[to be used in counseling the employee or to attempt a resolution of any disputed matter(s).]* Such a limited waiver must be written on the form supplied by the Office and signed by both the counselor and the employee.

. . . . .

(g) *Role of Counselor [in Defining Concerns].* The Counselor *[may]* **shall**:

(1) obtain the name, home and office mailing **and e-mail** addresses, and home and office telephone numbers of the person being counseled;

(2) obtain the name and title of the person(s) whom the employee claims has engaged in a violation of the Act**, e-mail address, if known,** and the employing office in which this person(s) works;

. . . . .

(5) obtain the name, **business and e-mail** addresse**s,** and telephone number of the employee's representative, if any, and whether the representative is an attorney.

*[(i)]***(h)** *Counselor Not a Representative.* The Counselor shall inform the person being counseled that the counselor does not represent either the employing office or the employee. The Counselor provides information **regarding the Act and the Office** and may act as a third-party intermediary with the goals of increasing the individual's understanding of his or her rights and responsibilities under the Act and of promoting the early resolution of the matter.

*[(j)]***(i)** *Duration of Counseling Period.* The period for counseling shall be 30 days, beginning on the date that the request for counseling is *[received by the Office]* **filed by the employee in accordance with section 1.03(a) of these rules,** unless the employee **requests in writing on a form provided by the Office to reduce the period** and the *[Office]* **Executive Director** agrees *[to reduce the period]*.

*[(h)]***(j)** *Role of Counselor in Attempting Informal Resolution.* In order to attempt to resolve the matter brought to the attention of the counselor, the counselor must obtain a waiver of confidentiality pursuant to section 2.03(e)(2) of these rules. If the employee executes such a waiver, the counselor may:

(1) conduct a limited inquiry for the purpose of obtaining any information necessary to attempt an informal resolution or formal settlement;

(2) reduce to writing any formal settlement achieved and secure the signatures of the employee, his or her representative, if any, and a member of the employing office who is authorized to enter into a settlement on the employing office's behalf; and, pursuant to section 414 of the Act and section 9.05 of these rules, seek the approval of the Executive Director. Nothing in this subsection, however, precludes the employee, the employing office or their representatives from reducing to writing any formal settlement.

(k) *Duty to Proceed.* An employee who initiates a proceeding under this part shall be responsible at all times for proceeding, regardless of whether he or she has designated a representative**, and shall notify the Office in writing of any change in pertinent contact information, such as address, e-mail, fax number, etc.** An employee, however, may withdraw from counseling once without prejudice to the employee's right to reinstate counseling regarding the same matter, provided that the request to reinstate counseling **is in writing and** is *[received in]* **filed with** the Office not later than 180 days after the date of the alleged violation of the Act and that counseling on a single matter will not last longer than a total of 30 days.

(l) *Conclusion of the Counseling Period and Notice.* The Executive Director shall notify the employee in writing of the end of the counseling period**[**,**]** by *[certified mail, return receipt requested,]* **first class mail,** *[or by]* personal delivery evidenced by a written receipt, **or electronic transmission**. The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

(m) *Employees of the Office of the Architect of the Capitol and Capitol Police.*

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director**, in his or her sole discretion,** may recommend that the employee use the *[grievance]* **internal** procedures of the Architect of the Capitol or the Capitol Police **pursuant to a Memorandum of Understanding (MOU) between the Architect of the Capitol and the Office or the Capitol Police and the Office addressing certain procedural and notification requirements**. The term ''*[grievance]* **internal** procedure(s)'' refers to **any** internal procedure of the Architect of the Capitol and the Capitol Police**, including grievance procedures referred to in section 401 of the Act,** that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act *[and by agreement with the Architect of the Capitol and the Capitol Police Board]*, when the Executive Director makes such a recommendation, the following procedures shall apply:

(i) The Executive Director shall recommend **in writing** to the employee that the employee use the *[grievance]* **internal** procedures of the Architect of the Capitol or of the Capitol Police, as appropriate, for a period generally up to 90 days, unless the Executive Director determines, **in writing, that** a longer period is appropriate *[for resolution of the employee's complaint through the grievance procedures of the Architect of the Capitol or the Capitol Police]*. **Once the employee notifies the Office that he or she is using the internal procedure, the employee shall provide a waiver of confidentiality to allow the Executive Director to notify the Architect of the Capitol or the Capitol Police that the Executive Director has recommended that the employee use the internal procedure.**

(ii) The period during which the matter is pending in the internal procedure shall not count against the time available for counseling or mediation under the Act.

(iii) If the dispute is resolved to the employee's satisfaction, the employee shall so notify the Office within 20 days after the employee has been served with a final decision resulting from the internal procedure.

[(ii)] **(iv)** After *[having contacted the Office and having utilized]* **using** the *[grievance]* **internal** procedures *[of the Architect of the Capitol or of the Capitol Police]*, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within 60 days after the expiration of the period recommended by the Executive Director, if the matter has not resulted in a final decision **or a decision not to proceed**; or

(B) within 20 days after service of a final decision **or a decision not to proceed,** resulting from the *[grievance]* **internal** procedures *[of the Architect of the Capitol or of the Capitol Police Board]*.

[(iii)] The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure. If no request to return to the procedures under these rules is received within 60 days after the expiration of the period recommended by the Executive Director the Office will issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.*]*

(v) If a request to return to counseling is not made by the employee within the time periods outlined above, the Office will issue a Notice of the End of Counseling.

(2) Notice to Employees who Have Not Initiated Counseling with the Office. When an employee of the Architect of the Capitol or the Capitol Police raises in the internal procedures of the Architect of the Capitol or of the Capitol Police *[Board]* an allegation which may also be raised under the procedures set forth in this subpart, the Architect of the Capitol or the Capitol Police *[Board should]* **shall, in accordance with the MOU with the Office,** advise the employee in writing that a request for counseling about the allegation must be initiated with the Office within 180 days after the alleged violation of law occurred if the employee intends to use the procedures of the Office.

(3) Notice in Final Decisions when Employees Have Not Initiated Counseling with the Office. When an employee raises in the internal procedures of the Architect of the Capitol or of the Capitol Police *[Board]* an allegation which may also be raised under the

procedures set forth in this subpart, any [*final*] decision **issued** [*pursuant to the procedures of the Architect of the Capitol or of the Capitol Police Board should*] **under such procedure, shall, pursuant to the MOU with the Office,** include notice to the employee of his or her right to initiate the procedures under these rules within 180 days after the alleged violation occurred.

(4) Notice in Final Decisions when There Has Been a Recommendation by the Executive Director. When the Executive Director has made a recommendation under paragraph 1 above, the Architect of the Capitol or the Capitol **Police** [*Board should*] **shall, pursuant to the MOU with the Office,** include with the final decision notice to the employee of his or her right to resume the procedures under these rules within 20 days after service on the employee of the final decision and shall transmit a copy of the final decision, settlement agreement, or other final disposition of the case to the Executive Director.

§ 2.04 Mediation.

(a) [***Explanation***] ***Overview.*** Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a [*neutral*] **Mediator** trained to assist them in resolving disputes. As [*parties to*] **participants in** the mediation, employees, employing offices, and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The [*neutral*] **Mediator** has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

(b) *Initiation.* Not more than 15 days after receipt by the employee of the notice of the conclusion of the counseling period under section 2.03(l), the employee may file with the Office a written request for mediation. **Except to provide for the services of a Mediator and notice to the employing office, the invocation of mediation shall be kept confidential by the Office.** The request for mediation shall contain the employee's name, **home and e-mail** addresses, [*and*] telephone number, and the name of the employing office that is the subject of the request. Failure to request mediation within the prescribed period [*will*] **may** preclude the employee's further pursuit of his or her claim. **If a request for mediation is not filed within 15 days of receipt of a Notice of the End of Counseling, the case may be closed and the employee will be so notified.**

. . . . .

(d) Selection of [*Neutrals*] ***Mediators****; Disqualification.* Upon receipt of the request for mediation, the Executive Director shall assign one or more [*neutrals*] **Mediators from a master list developed and maintained pursuant to section 403 of the Act,** to commence the mediation process. In the event that a [*neutral*] **Mediator** considers him or herself unable to perform in a neutral role in a given situation, he or she shall withdraw from the matter and immediately shall notify the Office of the withdrawal. Any party may ask the Office to disqualify a [*neutral*] **Mediator** by filing a written request, including the reasons for such request, with the Executive Director. This request shall be filed as soon as the party has reason to believe there is a basis for disqualification. The Executive Director's decision on this request shall be final and unreviewable.

(e) *Duration and Extension.*

. . . . .

(2) The [*Office*] **Executive Director** may extend the mediation period upon the joint written request of the parties, or of the appointed mediator on behalf of the parties[*, to the attention of the Executive Director*]. The request shall be written and filed with the [*Office*] **Executive Director** no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefore, and specify when the parties expect to conclude their discussions. Requests for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the [*Office*] **Executive Director.**

(f) *Procedures.*

(1) The [*Neutral's*] **Mediator's** Role. After assignment of the case, the [*neutral*] **Mediator** will promptly contact the parties. The [*neutral*] **Mediator** has the responsibility to conduct the mediation, including deciding how many meetings are necessary and who may participate in each meeting. The [*neutral*] **Mediator** may accept and may ask the parties to provide written submissions.

(2) The Agreement to Mediate. At the commencement of the mediation, the [*neutral*] **Mediator** will ask the [*parties*] **participants and/or their representatives** to sign an agreement prepared by the Office (''the Agreement to Mediate''). The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process **and a notice that a breach of the mediation agreement could result in sanctions later in the proceedings.** The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the Counselor or the [*neutral*] **Mediator** participate, testify or otherwise present evidence in **any subsequent administrative action under section 405 or** any civil action under section 408 of the Act or any other proceeding.

(g) Who May Participate. The covered employee[*,*] **and** the employing office[*, their respective representatives, and the Office may meet, jointly or separately, with the neutral. A representative of the employee and a representative of the employing who has actual authority to agree to a settlement agreement on behalf of the employee or the employing office, as the case may be, must be present at the mediation or must be immediately accessible by telephone during the mediation.*] **may elect to participate in mediation proceedings through a designated representative, *provided,* that the representative has actual authority to agree to a settlement agreement or has immediate access to someone with actual settlement authority, and *provided further,* that should the Mediator deem it appropriate at any time, the physical presence in mediation of any party may be specifically requested. The Office may participate in the mediation process, with permission of the Mediator and the parties. The Mediator will determine, as best serves the interests of mediation, whether the participants may meet jointly or separately with the Mediator.**

(h) *Informal Resolutions and Settlement Agreements.* At any time during mediation the parties may resolve or settle a dispute in accordance with section [*9.05*] **9.03** of these rules.

(i) *Conclusion of the Mediation Period and Notice.* If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice [*to the employee*] will be [*sent by certified mail, return receipt requested, or will be*] personally delivered evidenced by a written receipt, **or sent by first class mail, e-mail, or fax.** [*, and it*] **The notice will specify the date the mediation period ended** and also [*notify*] **provide information about** the employee**'s** [*of his or her*] right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section [*2.06*] **2.07** of these rules.

(j) *Independence of the Mediation Process and the* [*Neutral*] ***Mediator.*** The Office will maintain the independence of the mediation process and the [*neutral*] **Mediator.** No individual, who is appointed by the Executive Director to mediate, may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

[(k) Confidentiality. Except as necessary to consult with the parties, the parties' their counsel or other designated representatives, the parties to, the mediation, the neutral and the Office shall not disclose, in whole or in part, any information or records obtained through, or prepared specifically for, the mediation process. This rule shall not preclude a neutral from consulting with the Office, except that when the covered employee is an employee of the Office a neutral shall not consult with any individual within the Office who might be a party or witness. This rule shall also not preclude the Office from reporting statistical information to the Senate and House of Representatives that does not reveal the identity of the employees or employing offices involved in the mediation. All parties to the action and their representatives will be advised of the confidentiality requirements of this process and of the sanctions that might be imposed for violating these requirements.]

(k) *Violation of Confidentiality in Mediation.* An allegation regarding a violation of the confidentiality provisions may be made by a party in a mediation to the mediator during the mediation period and, if not resolved by agreement in mediation, to a hearing officer during proceedings brought under Section 405 of the Act

. . . . .

§ 2.05 Election of Proceeding.

(a) Pursuant to section 404 of the Act, not later than 90 days after [*a covered employee receives notice of*] the end of mediation under section 2.04(i) of these rules, but no sooner than 30 days after that date, the covered employee may either:

. . . . .

(2) file a civil action in accordance with section 408 of the Act and section [*2.06*] **2.07,** below, in the United States [*District Court*] **district court** for the district in which the employee is employed or for the District of Columbia.

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(b) A covered employee who files a civil action pursuant to section [*2.06*] **408 of the Act**, may not thereafter file a complaint under section [*5.01*] **405 of the Act** on the same matter.

§ 2.06 Certification of the Official Record

(a) Certification of the Official Record shall contain the date the Request for Counseling was made; the date and method of delivery the Notification of End of Counseling Period was sent to the complainant; the date the Notice was deemed by the Office to have been received by the complainant; the date the Request for Mediation was filed; and the date the mediation period ended.

(b) At any time after a complaint has been filed with the Office in accordance with section 405 of the Act and the procedure set out in section 5.01, below; or a civil action filed in accordance with section 408 of the Act and section 2.07, below, in the United States District Court, a party may request and receive from the Office Certification of the Official Record.

(c) Certification of the Official Record will not be provided until after a complaint has been filed with the Office or the Office has been notified that a civil action has been filed in district court.

§ [*2.06*] 2.07 Filing of Civil Action.

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(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District

Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number. **Failure to notify the Office that such action has been filed may result in delay in the preparation and receipt of the Certification of the Official Record.**

Inspections, Citations and Complaints

* * * * *

§ 4.02 Authority for Inspection.

(a) Under section 215(c)(1) of the CAA, upon written request of any employing office or covered employee, the General Counsel is authorized to enter without delay and at reasonable times any place **where covered employees work (''place of employment'')** ***[****of employment under the jurisdiction of an employing office****]***; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employing office, operator, agent or employee; and to review records **maintained by or under the control of the covered entity.** ***[****required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.****]***

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§ 4.03 Requests for Inspections by Employees and Covered Employing Offices.

(a) *By Covered Employees and Representatives.*

(1) Any covered employee or representative of covered employees who believes that a violation of section 215 of the CAA exists in any place of employment ***[****under the jurisdiction of employing offices****]*** may request an inspection of such place of employment by giving notice of the alleged violation to the General Counsel. Any such notice shall be reduced to writing on a form available from the Office, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or the representative of the employees. A copy shall be provided to the employing office or its agent by the General Counsel or the General Counsel's designee no later than at the time of inspection, except that, upon the written request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the General Counsel.

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(b) *By Employing Offices.* Upon written request of any employing office, the General Counsel or the General Counsel's designee shall inspect and investigate places of employment ***[****under the jurisdiction of employing offices****]*** under section 215(c)(1) of the CAA. Any such requests shall be reduced to writing on a form available from the Office.

* * * * *

§ 4.10 Inspection Not Warranted; Informal Review.

(a) If the General Counsel's designee determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a notice of violation under section 4.03(a), he or she shall notify the party giving the notice ***[****in writing****]*** of such determination **in writing**. The complaining party may obtain review of such determination by submitting **and serving** a written statement of position with the General Counsel***[****,****]*** and ***[****, at the same time, providing****]*** the employing office ***[****with a copy of such statement by certified mail****]***. The employing office may submit **and serve** an opposing written statement of position with the General Counsel***[****,****]*** and ***[****, at the same time, provide****]*** the complaining party ***[****with a copy of such statement by certified mail****]***. Upon the request of the complaining party or the employing office, the General Counsel, at his or her discretion, may hold an informal conference in which the complaining party and the employing office may orally present their views. After considering all written and oral views presented, the General Counsel shall affirm, modify, or reverse the designee's determination and furnish the complaining party and the employing office with written notification of this decision and the reasons therefor. The decision of the General Counsel shall be final and not reviewable.

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§ 4.11 Citations.

(a) If, on the basis of the inspection, the General Counsel believes that a violation of any requirement of section 215 of the CAA, ***[****or of****]*** **including** any **occupational safety or health standard promulgated by the Secretary of Labor under Title 29 of the U.S. Code, section 655, or of any other regulation** ***[****standard****]***, rule or order promulgated pursuant to section 215 of the CAA, has occurred, he or she shall issue to the employing office responsible for correction of the violation, ***[as determined under section 1.106 of the Board's regulations implementing section 215 of the CAA,]*** either a citation or a notice of de minimis violations that ***[****have****]*** **has** no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though, after being informed of an alleged violation by the General Counsel, the employing office immediately abates, or initiates steps to abate, such alleged violation. Any citation shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation **unless the violation is continuing or the employing office has agreed to toll the deadline for filing the citation.**

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* * * * *

§ 4.13 Posting of Citations.

(a) Upon receipt of any citation under section 215 of the CAA, the employing office shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employing office's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employing offices are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. **When a citation contains security information as defined in Title 2 of the U.S. Code, section 1979, the General Counsel may edit or redact the security information from the copy of the citation used for posting or may provide to the employing office a notice for posting that describes the alleged violation without referencing the security information.** The employing office shall take steps to ensure that the citation **or notice** is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, **notice,** or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The pendency of any proceedings regarding the citation shall not affect its posting responsibility under this section unless and until the Board issues a final order vacating the citation.

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* * * * *

§ 4.15 Informal Conferences.

At the request of an affected employing office, employee, or representative of employees, the General Counsel may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice issued by the General Counsel. Any settlement entered into by the parties at such conference shall be subject to the approval of the Executive Director under section 414 of the CAA and section ***[****9.05****]*** **9.03** of these rules. If the conference is requested by the employing office, an affected employee or the employee's representative shall be afforded an opportunity to participate, at the discretion of the General Counsel. If the conference is requested by an employee or representative of employees, the employing office shall be afforded an opportunity to participate, at the discretion of the General Counsel. Any party may be represented by counsel at such conference.

* * * * *

§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint
§ 5.04 Confidentiality

§ 5.01 Complaints.

(a) *Who May File.*

(1) An employee who has completed **the** mediation **period** under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 207 of the Act**[.], under the Genetic Information Nondiscrimination Act, or any other statute made applicable under the Act.**

(2) The General Counsel may **timely** file a complaint alleging a violation of section 210, 215 or 220 of the Act.

(b) *When to File.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice. **In cases where a complaint is filed with the Office sooner than 30 days after the date of receipt of the notice under section 2.04(i), the Executive Director, at his or her discretion, may return the complaint to the employee for filing during the prescribed period without prejudice and with an explanation of the prescribed period of filing.**

. . . . .

(c) *Form and Contents.*

(1) *Complaints Filed by Covered Employees.* A complaint shall be **in writing and may be** written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing and **e-mail** addresses, and telephone number(s) of the complainant;

. . . . .

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act or **the relevant sections of the Genetic Information Nondiscrimination Act** and the section(s) of the Act involved;

. . . . .

(vii) the name, **mailing and e-mail** addresses, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) *Complaints Filed by the General Counsel.* A complaint filed by the General Counsel shall be in writing, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, **mail and e-mail** addresses**, if available**, and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each employing office and/or labor organization alleged to have violated section 220, against which complaint is brought;

. . . . .

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery **[***or certified mail***]** **or first class mail, e-mail, or facsimile** with a copy of the complaint or amended complaint and **[***a copy of these rules***]** **written notice of the availability of these rules at www.compliance.gov. A copy of these rules may also be provided if requested by either party.** The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. **[***The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.***]** **In answering a complaint, a party must state in short and plain terms its defenses to each claim asserted against it and admit or deny the allegations asserted against it by an opposing party.** Failure to **[***file an answer***]** **deny an allegation, other than one relating to the amount of damages,** or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the complaint shall be deemed waived. A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motion to Dismiss.* In addition to an answer, a respondent may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the complainant. Responses to any motions shall be in compliance with section 1.04(c) of these rules

(h) *Confidentiality.* The fact that a complaint has been filed with the Office by a covered employee shall be kept confidential by the Office, except as allowed by these rules.

§ 5.02 Appointment of the Hearing Officer.

Upon the filing of a complaint, the Executive Director will appoint an independent Hearing Officer, who shall have the authority specified in sections 5.03 and 7.01(b) below. The Hearing Officer shall not be the Counselor involved in or the **[***neutral***]** **Mediator** who mediated the matter under sections 2.03 and 2.04 of these rules.

§ 5.03 Dismissal, Summary Judgment and Withdrawal of Complaints.

. . . . .

(f) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer **and may be with or without prejudice to refile at the Hearing Officer's discretion, consistent with section 404 of the CAA.**

(g) *Withdrawal of Complaint by the General Counsel.* At any time prior to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer **and may be with or without prejudice to refile at the Hearing Officer's discretion, consistent with section 404 of the CAA.**

(h) *Withdrawal From a Case by a Representative.* A representative must provide sufficient notice to the Hearing Officer and the parties of record of his or her withdrawal. Until the party designates another representative in writing, the party will be regarded as *pro se.*

§ 5.04 Confidentiality.

Pursuant to section 416(c) of the Act, except as provided in sub-sections 416(d), (e) and (f), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules **[***could***]** **may** result in the imposition of **procedural or evidentiary** sanctions. **[***Nothing in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a matter.***]** See also sections **[***1.06***]** **1.08** **[***1.07***]** **1.09** and 7.12 of these rules.

SUBPART F—DISCOVERY AND SUBPOENAS

§ 6.01 Discovery
§ 6.02 Requests for Subpoenas
§ 6.03 Service
§ 6.04 Proof of Service
§ 6.05 Motion to Quash
§ 6.06 Enforcement

§ 6.01 Discovery. (a) **[***Explanation***]** ***Description.*** Discovery is the process by which a party may obtain from another person, including a party, information, not privileged, reasonably calculated to lead to the discovery of admissible evidence, for the purpose of assisting that party in developing, preparing and presenting its case at the hearing. **No discovery, oral or written, by any party shall [***This provision shall not be construed to permit any discovery, oral or written, to***]** be taken **of or** from **an** employees of the Office **of Compliance, [***or the***]** Counselor**[***(s)***]**, or **Mediator [***the neutral(s) involved in counseling and mediation.***], including files, records, or notes produced during counseling and mediation and maintained by the Office.**

(b) ***Initial Disclosure.*** **[***Office Policy Regarding Discovery. It is the policy of the Office to encourage the early and voluntary exchange of relevant and material nonprivileged information between the parties, including the names and addresses of witnesses and copies of relevant and material documents, and to encourage Hearing Officers to develop procedures which allow for the greatest exchange of relevant and material information and which minimizes the need for parties to formally request such information.***]** **Within 14 days after the pre-hearing conference or as soon as the information is known, and except as otherwise stipulated or ordered by the Hearing Officer, a party must, without awaiting a discovery request, provide to the other parties: the name and, if known, mail and e-mail addresses and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses; and a copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.**

(c) *Discovery Availability.* Pursuant to section 405(e) of the Act, the Hearing Officer in his or her discretion may permit reasonable prehearing discovery. In exercising that discretion, the Hearing Officer may be guided by the Federal Rules of Civil Procedure **and the underlying statute.**

(1) The **[***Hearing Officer may authorize***]** **parties may take** discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property for inspection or other purposes; physical and mental examinations; and requests for admission.

(2) The Hearing Officer may **adopt standing orders** or make any order setting forth the forms and extent of discovery, including orders limiting the number of depositions, interrogatories, and requests for production of documents, and may also limit the length of depositions.

. . . . .

(d) *Claims of Privilege.*

(1) Information Withheld. Whenever a party withholds information otherwise discoverable under these rules by claiming that it is privileged or confidential or subject to protection as hearing or trial preparation materials, the party shall make the claim expressly **in writing** and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing the information itself

privileged or protected, will enable other parties to assess the applicability of the privilege or protection. **A party must make a claim for privilege no later than the due date for the production of the information. (2) Information Produced As Inadvertent Disclosure. If information produced in discovery is subject to a claim of privilege or of protection as hearing preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the Hearing Officer or the Board under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.**

§ 6.02 Request for Subpoena.

(a) *Authority to Issue Subpoenas.* At the request of a party, a Hearing Officer may issue subpoenas for the attendance and testimony of witnesses and for the production of correspondence, books, papers, documents, or other records. The attendance of witnesses and the production of records may be required from any place within the United States. However, no subpoena **requested by any party** may be issued for the attendance or testimony of an employee ***[****with****]*** **of** the Office of Compliance, **a Counselor or a Mediator, acting in their official capacity, including files, records, or notes produced during counseling and mediation and maintained by the Office. Employing offices shall make their employees available for discovery and hearing without requiring a subpoena.**

. . . . .

(d) *Rulings.* The Hearing Officer shall promptly rule on the request **for the subpoena.**

* * * * *

SUBPART G—HEARINGS

§ 7.01 The Hearing Officer.

. . . . .

(b) *Authority.* Hearing Officers shall conduct fair and impartial hearings and take all necessary action to avoid undue delay in the disposition of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

. . . . .

(14) maintain **and enforce** the confidentiality of proceedings; and

. . . . .

§ 7.02 Sanctions.

. . . . .

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

(1) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

[*(a)****]*****(A)** draw an inference in favor of the requesting party on the issue related to the information sought;

[*(b)****]*****(B)** stay further proceedings until the order is obeyed;

[*(c)****]*****(C)** prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, evidence relating to the information sought;

[*(d)****]*****(D)** permit the requesting party to introduce secondary evidence concerning the information sought;

[*(e)****]*****(E)** strike, **in whole or in part**, ***[****any part of****]*** the complaint, briefs, answer, or other submissions of the party failing to comply with the order**, as appropriate**;

[*(f)****]*****(F)** direct judgment against the noncomplying party in whole or in part.***[****; or****]***

[*(g) order that the non-complying party, or the representative advising that party, pay all or part of the attorney's fees and reasonable expenses of the other party or parties or of the Office, caused by such non-compliance, unless the Hearing Officer or the Board finds that the failure was substantially justified or that other circumstances make an award of attorney's fees and/or expenses unjust.****]***

(2) *Failure to Prosecute or Defend.* If a party fails to prosecute or defend a position, the Hearing Officer may dismiss the action with prejudice or ***[****rule for the complainant****]*** **decide the matter, where appropriate.**

. . . . .

(4) *Filing of frivolous claims.* If a party files a frivolous claim, the Hearing Officer may dismiss the claim, *sua sponte*, in whole or in part, with prejudice or decide the matter for the party alleging the filing of the frivolous claim.

(5) *Failure to maintain confidentiality.* An allegation regarding a violation of the confidentiality provisions may be made to a Hearing Officer in proceedings under Section 405 of the CAA. If, after notice and hearing, the Hearing Officer determines that a party has violated the confidentiality provisions, the Hearing Officer may:

(A) direct that the matters related to the breach of confidentiality or other designated facts be taken as established for purposes of the action, as the prevailing party claims;

(B) prohibit the party breaching confidentiality from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(C) strike the pleadings in whole or in part;

(D) stay further proceedings until the breach of confidentiality is resolved to the extent possible;

(E) dismiss the action or proceeding in whole or in part; or

(F) render a default judgment against the party breaching confidentiality.

(c) No sanctions may be imposed under this section except for good cause and the particulars of which must be stated in the sanction order.

* * * * *

§ 7.04 Motions and Prehearing Conference.

. . . . .

(b) *Scheduling of the Prehearing Conference.* Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference, **except that the Executive Director may, for good cause, extend up to an additional 7 days the time for serving notice of the prehearing conference.**

(c) *Prehearing Conference Memoranda.* The Hearing Officer may order each party to prepare a prehearing conference memorandum. **At his or her discretion, the Hearing Officer may direct the filing of the memorandum after discovery by the parties has concluded.** ***[****That****]*** **The** memorandum may include:

. . . . .

(3) the specific relief**, including, where known, a calculation** of ***[****the amount of****]*** **any** monetary relief ***[****,****]*** **or damages** that is being or will be requested;

(4) the names of potential witnesses for the party's case, except for potential **impeachment or** rebuttal witnesses, and the purpose for which they will be called and a list of documents that the party is seeking from the opposing party, and, if discovery was permitted, the status of any pending request for discovery. (It is not necessary to list each document requested. Instead, the party may refer to the request for discovery.)**;** and

. . . . .

(d) At the prehearing conference, the Hearing Officer may discuss the subjects specified in paragraph (c) above and the manner in which the hearing will be conducted ***[****and proceed****]***. In addition, the Hearing Officer may explore settlement possibilities and consider how the factual and legal issues might be simplified and any other issues that might expedite the resolution of the dispute. The Hearing Officer shall issue an order, which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admissions**, stipulations,** or agreements of the parties. Such order, when entered, shall control the course of the proceeding, subject to later modification by the Hearing Officer by his or her own motion or upon proper request of a party for good cause shown.

§ 7.05 Scheduling the Hearing.

. . . . .

(b) *Motions for Postponement or a Continuance.* Motions for postponement or for a continuance by either party shall be made in writing to the ***[****Office****]*** **Hearing Officer**, shall set forth the reasons for the request, and shall state whether the opposing party consents to such postponement. Such a motion may be granted **by the Hearing Officer** upon a showing of good cause. In no event will a hearing commence later than 90 days after the filing of the complaint.

§ 7.06 Consolidation and Joinder of Cases.

. . . . .

(b) ***Authority.*** **The Executive Director prior to the assignment of a complaint to a Hearing Officer; a Hearing Officer during the hearing; or t**he Board ***[****, the Office, or a Hearing Officer****]*** **during an appeal** may consolidate or join cases on their own initiative or on the motion of a party if to do so would expedite processing of the cases and not adversely affect the interests of the parties, taking into account the confidentiality requirements of section 416 of the Act.

§ 7.07 Conduct of Hearing; Disqualification of Representatives.

. . . . .

(c) No later than the opening of the hearing, or as otherwise ordered by the Hearing Officer, each party shall submit to the Hearing Officer and to the opposing party typed lists of the hearing exhibits and the witnesses **expected to be called to testify**, excluding **impeachment or** rebuttal witnesses ***[****, expected to be called to testify****]***.

. . . . .

(f) Failure of either party to appear, present witnesses, or respond to an evidentiary order may result in an adverse finding or ruling by the Hearing Officer. At the discretion of the Hearing Officer, the hearing may also be held in the absence of the complaining party if the representative for that party is present.

[*(f)****]*****(g)** If the Hearing Officer concludes that a representative of an employee, a witness, a charging party, a labor organization,

an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§ 7.08 Transcript.

. . . . .

(b) *Corrections.* Corrections to the official transcript will be permitted. Motions for correction must be submitted within 10 days of service of the transcript upon the [*party*] **parties**. Corrections of the official transcript will be permitted only upon approval of the Hearing Officer. The Hearing Officer may make corrections at any time with notice to the parties.

* * * * *

§ 7.12 Confidentiality.

(a) Pursuant to section 416 of the Act **and section 1.08 of these Rules,** all proceedings and deliberations of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in sections 416(d), (e), and (f) of the Act **and section 1.08(d) of these Rules**. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the deliberations of Hearing Officers and the Board under that section.

(b) *Violation of Confidentiality.* An allegation regarding a violation of confidentiality occurring during a hearing may be resolved by a Hearing Officer in proceedings under Section 405 of the CAA. After providing notice and an opportunity to the parties to be heard, the Hearing Officer, in accordance with section 1.08(f) of these Rules, may make a finding of a violation of confidentiality and impose appropriate procedural or evidentiary sanctions, which may include any of the sanctions listed in section 7.02 of these Rules.

§ 7.13 Immediate Board Review of a Ruling by a Hearing Officer.

. . . . .

(b) *Time for Filing.* A motion by a party for interlocutory review of a ruling of the Hearing Officer shall be filed with the Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory review and the determination requested to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.

[*(b)*]**(c)** *Standards for Review.* In determining whether to **certify and** forward a request for interlocutory review to the Board, the Hearing Officer shall consider **all of** the following:

. . . . .

[(c) Time for Filing. A motion by a party for interlocutory review of a ruling of the Hearing Officer shall be filed with the Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory review and the determination requested to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.]

(d) *Hearing Officer Action.* If **all** the conditions set forth in paragraph [*(b)*]**(c)** above are met, the Hearing Officer shall **certify and** forward a request for interlocutory review to the Board for its immediate consideration. Any such submission shall explain the basis on which the Hearing Officer concluded that the standards in paragraph [(b)]**(c)** have been met. **The decision of the Hearing Officer to forward or decline to forward a request for review is not appealable.**

(e) *Grant of Interlocutory Review Within Board's Sole Discretion.* **Upon the Hearing Officer's certification and decision to forward a request for review,** [*T*]the Board, in its sole discretion, may grant interlocutory review. **The Board's decision to grant or deny interlocutory review is not appealable.**

. . . . .

[(g) Denial of Motion not Appealable; Mandamus. The grant or denial of a motion for a request for interlocutory review shall not be appealable. The Hearing Officer shall promptly bring a denial of such a motion, and the reasons therefor, to the attention of the Board. If, upon consideration of the motion and the reason for denial, the Board believes that interlocutory review is warranted, it may grant the review sua sponte. In addition, the Board may in its discretion, in extraordinary circumstances, entertain directly from a party a writ of mandamus to review a ruling of a Hearing Officer.]

[*(h)*]**(g)** *Procedures before Board.* Upon its [*acceptance of a ruling of the Hearing Officer for*] **decision to grant** interlocutory review, the Board shall issue an order setting forth the procedures that will be followed in the conduct of that review.

[*(i)*]**(h)** *Review of a Final Decision.* Denial of interlocutory review will not affect a party's right to challenge rulings, which are otherwise appealable, as part of an appeal to the Board under section 8.01 from the Hearing Officer's decision issued under section 7.16 of these rules.

§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs.

*[(a) May be [Filed] **Required.*** The Hearing Officer may [*permit*] **require** the parties to file **proposed findings of fact and conclusions of law and/or** posthearing briefs on the factual and the legal issues presented in the case.

[(b) Length. No principal brief shall exceed 50 pages, or 12,500 words, and no reply brief shall exceed 25 pages, or 6,250 words, exclusive of tables and pages limited only to quotations of statutes, rules, and the like. Motions to file extended briefs shall be granted only for good cause shown; the Hearing Officer may in his or her discretion also reduce the page limits. Briefs in excess of 10 pages shall include an index and a table of authorities.

(c) Format. Every brief must be easily readable. Briefs must have double spacing between each line of text, except for quoted texts and footnotes, which may be single-spaced.]

§ 7.15 Closing the Record of the Hearing.

(a) Except as provided in section 7.14, the record shall be closed at the conclusion of the hearing. However, when the Hearing Officer allows the parties to submit **argument, briefs, documents or** additional evidence previously identified for introduction, **the record will remain open for as much time as the Hearing Officer grants for that purpose** [*additional evidence previously identified for introduction, the Hearing Officer may allow an additional period before the conclusion of the hearing as is necessary for that purpose*].

(b) Once the record is closed, no additional evidence or argument shall be accepted into the hearing record except upon a showing that new and material evidence has become available that was not available despite due diligence prior to the closing of the record **or it is in rebuttal to new evidence or argument submitted by the other party just before the record closed.** [*However, the*] **The** Hearing Officer shall **also** make part of the record any [*motions for attorney fees, supporting documentation, and determinations thereon, and*] approved correction to the transcript.

§ 7.16 Hearing Officer Decisions; Entry in Records of the Office; Corrections to the Record; Motions to Alter, Amend or Vacate the Decision.

. . . . .

(b) **The Hearing Officer's written decision shall:**

(1) state the issues raised in the complaint;

(2) describe the evidence in the record;

(3) contain findings of fact and conclusions of law, and the reasons or bases therefore, on all the material issues of fact, law, or discretion that were presented on the record;

(4) contain a determination of whether a violation has occurred; and

(5) order such remedies as are appropriate under the CAA.

[*(b)*]**(c)** Upon issuance, the decision and order of the Hearing Officer shall be entered into the records of the Office.

[*(c)*]**(d)** The Office shall promptly provide a copy of the decision and order of the Hearing Officer to the parties.

[*(d)*]**(e)** If there is no appeal of a decision and order of a Hearing Officer, that decision becomes a final decision of the Office, which is subject to enforcement under section 8.03 of these rules.

(f) Corrections to the Record. After a decision of the Hearing Officer has been issued, but before an appeal is made to the Board, or in the absence of an appeal, before the decision becomes final, the Hearing Officer may issue an erratum notice to correct simple errors or easily correctible mistakes. The Hearing Officer may do so on motion of the parties or on his or her own motion with or without advance notice.

(g) After a decision of the Hearing Officer has been issued, but before an appeal is made to the Board, or in the absence of an appeal, before the decision becomes final, a party to the proceeding before the Hearing Officer may move to alter, amend or vacate the decision. The moving party must establish that relief from the decision is warranted because: (1) of mistake, inadvertence, surprise, or excusable neglect; (2) there is newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new hearing; (3) there has been fraud, misrepresentation, or misconduct by an opposing party; (4) the decision is void; or (5) the decision has been satisfied, released, or discharged; it is based on an earlier decision that has been reversed or vacated; or applying it prospectively is no longer equitable. The motion shall be filed within 15 days after service of the Hearing Officer's decision. No response shall be filed unless the Hearing Officer so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the action of the Hearing Officer unless so ordered by the Hearing Officer.

SUBPART H—PROCEEDINGS BEFORE THE BOARD

§ 8.01 Appeal to the Board.

(a) No later than 30 days after the entry of the **final** decision and order of the Hearing Officer in the records of the Office, an aggrieved party may seek review of that decision and order by the Board by filing with the Office a petition for review by the Board. The appeal must be served on the opposing party or its representative.

. . . . .

(3) [*Upon written delegation by the Board,*] **In any case in which the Board has not rendered a determination on the merits,** the Executive Director is authorized to**:** determine any request for extensions of time to file any post-petition for review document or submission with the Board [*in any case in which the Executive Director has not rendered a determination on the*

merits,]; **determine any request for enlargement of page limitation of any post-petition for review document or submission with the Board; or require proof of service where there are questions of proper service.** *[Such delegation shall continue until revoked by the Board.]*

. . . . .

(d) Upon appeal, the Board shall issue a written decision setting forth the reasons for its decision. The Board may **dismiss the appeal or** affirm, reverse, modify or remand the decision and order of the Hearing Officer in whole or in part. Where there is no remand the decision of the Board shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review.

(e) The Board may remand the matter to *[the]* **a** Hearing Officer for further action or proceedings, including the reopening of the record for the taking of additional evidence. **The decision by the Board to remand a case is not subject to judicial review under Section 407 of the Act. The procedures for a remanded hearing shall be governed by subparts F, G, and H of these Rules.** The Hearing Officer shall render a decision or report to the Board, as ordered, at the conclusion of proceedings on the remanded matters. *[Upon receipt of the decision or report, the Board shall determine whether the views of the parties on the content of the decision or report should be obtained in writing and, where necessary, shall fix by order the time for the submission of those views.]* A decision of the Board following completion of the remand shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review **under Section 407 of the Act.**

. . . . .

(h) *Record.* The **docket sheet,** complaint and any amendments, notice of hearing, answer and any amendments, motions, rulings, orders, stipulations, exhibits, documentary evidence, any portions of depositions admitted into evidence, **docketed Memoranda for the Record, or correspondence between the Office and the parties**, and the transcript of the hearing (together with any electronic recording of the hearing if the original reporting was performed electronically) together with the Hearing Officer's decision and the petition for review, any response thereto, any reply to the response and any other pleadings shall constitute the record in the case.

. . . . .

(j) An appellant may move to withdraw a petition for review at any time before the Board renders a decision. The motion must be in writing and submitted to the Board. The Board, at its discretion, may grant such a motion and take whatever action is required.

§ 8.02 Reconsideration.

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the action of the Board unless so ordered by the Board. **The decision to grant or deny a motion for reconsideration is within the sole discretion of the Board and is not appealable.**

§ 8.03 Compliance with Final Decisions, Requests for Enforcement.

(a) Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6) **of the Act**, a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved. **A party may also file a petition for attorneys fees and/or damages unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of the appeal pursuant to Section 407 of the Act.**

. . . . .

(d) **To the extent provided in Section 407(a) of the Act and Section 8.04 of this section, the appropriate** *[Any]* party may petition the Board for enforcement of a final decision of the Office or the Board. The petition shall specifically set forth the reasons why the petitioner believes enforcement is necessary.

. . . . .

* * * * *

§ 8.05 Application for Review of an Executive Director Action.

For additional rules on the procedures pertaining to the Board's review of an Executive Director action in Representation proceedings, refer to Parts 2422.30–31 of the Substantive Regulations of the Board, available at www.compliance.gov.

§ 8.06 Expedited Review of Negotiability Issues.

For additional rules on the procedures pertaining to the Board's expedited review of negotiability issues, refer to Part 2424 of the Substantive Regulations of the Board, available at www.compliance.gov.

§ 8.07 Review of Arbitration Awards.

For additional rules on the procedures pertaining to the Board's review of arbitration awards, refer to Part 2425 of the Substantive Regulations of the Board, available at www.compliance.gov.

§ 8.08 Procedures of the Board in Impasse Proceedings.

For additional rules on the procedures of the Board in impasse proceedings, refer to Part 2471 of the Substantive Regulations of the Board, available at www.compliance.gov.

SUBPART I—OTHER MATTERS OF GENERAL APPLICABILITY

[§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions]

[§ 9.03] **§ 9.01 Attorney's Fees and Costs**

[§ 9.04] **§ 9.02 Ex parte Communications**

[§ 9.05] **§ 9.03 Informal Resolutions and Settlement Agreements**

[§ 9.06] **§ 9.04 Revocation, Amendment or Waiver of Rules**

[§ 9.01 Filing, Service, and Size Limitations of Motions, Briefs, Responses and Other Documents.

(a) Filing with the Office; Number. One original and three copies of all motions, briefs, responses, and other documents, must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer or a party to any other matter or determination reviewable by the Board files an appeal or other submission with the Board, one original and seven copies of any submission and any responses must be filed with the Office. The Office, Hearing Officer, or Board may also request a party to submit an electronic version of any submission in a designated format, with receipt confirmed by electronic transmittal in the same format.

(b) Service. The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the Office, other than the request for counseling, the request for mediation and complaint. Service shall be made by mailing or by hand delivering a copy of the motion, brief, response or other document to each party, or if represented, the party's representative, on the service list previously provided by the Office. Each of these documents, must be accompanied by a certificate of service specifying how, when and on whom service was made. It shall be the duty of each party to notify the Office and all other parties in writing of any changes in the names or addresses on the service list.

(c) Time Limitations for Response to Motions or Briefs and Reply. Unless otherwise specified by the Hearing Officer or these rules, a party shall file a response to a motion or brief within 15 days of the service of the motion or brief upon the party. Any reply to such response shall be filed and served within 5 days of the service of the response. Only with the Hearing Officer's advance approval may either party file additional responses or replies.

(d) Size Limitations. Except as otherwise specified by the Hearing Officer or these rules, no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 pages, or 8,750 words, exclusive of the table of contents, table of authorities and attachments. The Board, the Office, Executive Director, or Hearing Officer may waive, raise or reduce this limitation for good cause shown or on its own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8-1/2″ x 11″).

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer, the Executive Director, or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section 7.02, for any other violation of these rules that does not result from reasonable error.]

[§ 9.03] § 9.01 Attorney's Fees and Costs

(a) Request. No later than [20] **30** days after the entry of a **final** [*Hearing Officer's*] decision **of the Office,** [*under section 7.16, or after service of a Board decision by the Office the complainant, if he or she is a*] **the** prevailing party[,] may submit to the Hearing Officer **or Arbitrator** who [*heard*] **decided** the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. [*All motions for attorney's fees and costs shall be submitted to the Hearing Officer.*] The Hearing Officer **or Arbitrator**, after giving the respondent an opportunity to reply, shall rule on the motion. Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the [*Hearing Officer*] **Office.** [*A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.*]

(b) *Form of Motion.* In addition to setting forth the legal and factual bases upon which the attorney's fees and/or costs are sought, a motion for an award of attorney's fees and/or costs shall be accompanied by:

. . . . .

(3) the attorney's customary billing rate for similar work **with evidence that the rate is consistent with the prevailing community rate for similar services in the community in which the attorney ordinarily practices**; [*and*]

(4) an itemization of costs related to the matter in question[.]**; and**

(5) evidence of an established attorney-client relationship.

[§ 9.04] § 9.02 Ex parte Communications

(a) *Definitions.*

. . . . .

(3) For purposes of section [*9.04*] **9.02** , the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, a pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA

. . . . .

(c) *Prohibited Ex Parte Communications and Exceptions.*

. . . . .

(2) The Hearing Officer or the Office may initiate attempts to settle a matter at any time. The parties may agree to waive the prohibitions against ex parte communications during settlement discussions, and they may agree to any limits on the waiver.

—Renumber subsequent paragraphs—

. . . . .

[§ 9.05] § 9.03 Informal Resolutions and Settlement Agreements.

. . . . .

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. **The settlement is not effective until it has been approved by the Executive Director.** If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.

(c) *Requirements for a Formal Settlement Agreement.* A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director **for signature. A formal settlement agreement should not be submitted to the Executive Director for signature until the appropriate revocation periods have expired.** A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) *Violation of a Formal Settlement Agreement.* If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. **Settlements should include specific dispute resolution procedures.** If the [*particular*] formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation [*of the agreement*], **the Office may provide assistance in resolving the dispute, including the services of a Mediator at the discretion of the Executive Director.** [*the following dispute resolution procedure shall be deemed to be a part of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act:*] **Where the settlement agreement does not have a stipulated method for resolving violation allegations,** [*Any complaint*] **an allegation** [*regarding*] **of** a violation [*of a formal settlement agreement*] may be filed with the Executive Director, **but** no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such [*complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these Rule.*] **allegations will be reviewed, investigated or mediated by the Executive Director or designee, as appropriate.**

[§ 9.06] § 9.04 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act

Whenever a **final** decision or award pursuant to sections 405(g), 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment. **No payment shall be made from such account until the time for appeal of a decision has expired, unless a settlement has been reached in the absence of a decision to be appealed.**

[§ 9.07] § 9.05 Revocation, Amendment or Waiver of Rules

(a) The Executive Director, subject to the approval of the Board, may revoke or amend these rules by publishing proposed changes in the Congressional Record and providing for a comment period of not less than 30 days. Following the comment period, any changes to the rules are final once they are published in the Congressional Record.

(b) The Board or a Hearing Officer may waive a procedural rule contained in this Part in an individual case for good cause shown if application of the rule is not required by law.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV,

7466. A letter from the Executive Director, Office of Compliance, transmitting notice of adopted amendments to the Rules of Procedure, pursuant to 2 U.S.C. 1383(b); Public Law 104-1, Sec. 303(b) (109 Stat. 28), was taken from the Speaker's table, referred jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCCAUL: Committee on Homeland Security. H.R. 5843. A bill to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity; with an amendment (Rept. 114–826). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCCAUL: Committee on Homeland Security. H.R. 5877. A bill to amend the Homeland Security Act of 2002 and the United States-Israel Strategic Partnership Act of 2014 to promote cooperative homeland security research and antiterrorism programs relating to cybersecurity; and for other purposes; with an amendment (Rept. 114–827, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. H.R. 5877 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DENHAM (for himself, Mr. MCCLINTOCK, Mr. COOK, Mr. ROYCE, Mr. CALVERT, Mr. ROHRABACHER, Mr. LAMALFA, Mr. KNIGHT, Mr. VALADAO, Mr. ISSA, Mr. ROUZER, and Mr. HUNTER):

H.R. 6316. A bill to stop the Secretary of the Army from recouping a bonus or similar benefit provided to members of the California Army National Guard between January 1, 2004, and December 31, 2010, unless the Secretary can prove that the member knowingly secured the bonus or similar benefit through fraud or misrepresentation or knowingly failed to perform the service requirement upon which the bonus or similar benefit was conditioned, and for other purposes; to the Committee on Armed Services.

By Mr. O'ROURKE (for himself, Mr. JONES, and Ms. JUDY CHU of California):

H.R. 6317. A bill to amend title 38, United States Code, to ensure that veterans with service-connected disabilities related to mental health are not barred, because of such disabilities, from readjustment counseling and related mental health services under such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CUMMINGS (for himself, Mr. CLAY, Ms. PLASKETT, Mr. CONNOLLY, Mr. TED LIEU of California, Mr. LYNCH, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. COOPER, Mr. DESAULNIER, Ms. NORTON, Ms. KELLY of Illinois, Mrs. LAWRENCE, Mrs. WATSON COLEMAN, Mrs. CAROLYN B. MALONEY of New York, Mr. WELCH, Ms. MICHELLE LUJAN GRISHAM of New Mexico, and Ms. DUCKWORTH):

H.R. 6318. A bill to amend title 5, United States Code, to provide an increase in premium pay for certain Federal employees performing protective services during any year in which a presidential election is held, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GARAMENDI:

H.R. 6319. A bill to absolve debts resulting from the payment of certain recruitment and reenlistment bonuses to members of the California National Guard, and for other purposes; to the Committee on Armed Services.

By Mr. VEASEY:

H.R. 6320. A bill to include information regarding VA home loans in the Informed Consumer Choice Disclosure required to be provided to a prospective FHA borrower who is a veteran, to amend title 10, United States Code, to authorize the provision of a certificate of eligibility for VA home loans during the preseparation counseling for members of the Armed Forces, and for other purposes; to the Committee on Financial Services, 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. GRAYSON:

H.R. 6321. A bill to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009 and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Mr. ROYCE, Mr. BERA, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CALVERT, Mr. CARTER of Georgia, Mr. CASTRO of Texas, Mr. CHABOT, Ms. JUDY CHU of California, Mr. COSTA, Mr. DENT, Mr. DESAULNIER, Ms. ESHOO, Mr. FARR, Mr. FLEISCHMANN, Mr. GARAMENDI, Mr. AL GREEN of Texas, Mr. HANNA, Mr. HARPER, Mr. HECK of Nevada, Mr. HILL, Mr. LAMALFA, Ms. LEE, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LUMMIS, Mr. MARINO, Ms. MATSUI, Mr. MCKINLEY, Ms. MENG, Mrs. NAPOLITANO, Mr. NUNES, Mr. ROHRABACHER, Mr. SALMON, Mr. SHUSTER, Mr. SMITH of Missouri, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mr. VALADAO, Mr. VARGAS, Mrs. MIMI WALTERS of California, Mr. YOUNG of Alaska, Mr. REICHERT, Ms. GABBARD, and Mr. FARENTHOLD):

H.R. 6322. A bill to award a Congressional Gold Medal to Norman Yoshio Mineta in recognition of his courageous, principled dedication to public service, civic engagement, and civil rights; to the Committee on Financial Services.

By Mr. LOWENTHAL (for himself, Mr. LAMALFA, Mr. HUFFMAN, Mr. GARAMENDI, Mr. MCCLINTOCK, Mr. THOMPSON of California, Ms. MATSUI, Mr. BERA, Mr. COOK, Mr. MCNERNEY, Mr. DENHAM, Mr. DESAULNIER, Ms. PELOSI, Ms. LEE, Ms. SPEIER, Mr. SWALWELL of California, Mr. COSTA, Mr. HONDA, Ms. ESHOO, Ms. LOFGREN, Mr. FARR, Mr. VALADAO, Mr. NUNES, Mrs. CAPPS, Mr. KNIGHT, Ms. BROWNLEY of California, Ms. JUDY CHU of California, Mr. SCHIFF, Mr. CÁRDENAS, Mr. SHERMAN, Mr. AGUILAR, Mrs. NAPOLITANO, Mr. TED LIEU of California, Mr. BECERRA, Mrs. TORRES, Mr. RUIZ, Ms. BASS, Ms. LINDA T. SÁNCHEZ of California, Mr. ROYCE, Ms. ROYBAL-ALLARD, Mr. TAKANO, Mr. CALVERT, Ms. MAXINE WATERS of California, Ms. HAHN, Mrs. MIMI WALTERS of California, Ms. LORETTA SANCHEZ of California, Mr. ROHRABACHER, Mr. ISSA, Mr. HUNTER, Mr. VARGAS, Mr. PETERS, and Mrs. DAVIS of California):

H.R. 6323. A bill to name the Department of Veterans Affairs health care system in Long Beach, California, the ''Tibor Rubin VA Medical Center''; to the Committee on Veterans' Affairs.

By Mr. WITTMAN (for himself, Mr. GENE GREEN of Texas, Ms. GRANGER, Ms. ROYBAL-ALLARD, and Mr. MCGOVERN):

H. Con. Res. 172. Concurrent resolution expressing the sense of Congress that public health professionals should be commended for their dedication and continued service to the United States on ''Public Health Thank You Day'', November 21, 2016; to the Committee on Energy and Commerce.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DENHAM:

H.R. 6316.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. O'ROURKE:

H.R. 6317.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power ''to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof''.

By Mr. CUMMINGS:

H.R. 6318.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department of Officer thereof.

By Mr. GARAMENDI:

H.R. 6319.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. VEASEY:

H.R. 6320.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. GRAYSON:

H.R. 6321.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the United States Constitution.

By Mr. HONDA:

H.R. 6322.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. LOWENTHAL:

H.R. 6323.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 20: Ms. GRAHAM.

H.R. 379: Mr. ELLISON and Mr. SCHIFF.

H.R. 525: Ms. ESTY.

H.R. 546: Mr. LATTA, Mr. MICA, Mr. RENACCI, and Mr. LOBIONDO.

H.R. 711: Mr. BRADY of Pennsylvania.

H.R. 793: Mr. DOGGETT.

H.R. 799: Mrs. DINGELL.

H.R. 836: Mr. SANFORD.

H.R. 841: Mr. SMITH of Texas.

H.R. 923: Mr. BYRNE.

H.R. 973: Mr. SCOTT of Virginia.

H.R. 1188: Mr. PALLONE.

H.R. 1220: Mr. MOULTON and Mr. THORNBERRY.

H.R. 1247: Ms. KELLY of Illinois.

H.R. 1287: Mr. LABRADOR.

H.R. 1355: Mr. BISHOP of Georgia.

H.R. 1391: Mr. KILMER.

H.R. 1453: Mr. HARRIS.

H.R. 1559: Mr. SCOTT of Virginia.

H.R. 1571: Mr. TIPTON.

H.R. 1598: Ms. SLAUGHTER.

H.R. 1608: Ms. SEWELL of Alabama, Mr. KATKO, Mr. SERRANO, Mr. HILL, and Mr. MICA.

H.R. 1686: Ms. SEWELL of Alabama.

H.R. 1706: Ms. CASTOR of Florida.

H.R. 1814: Mr. VISCLOSKY.

H.R. 2216: Ms. ROYBAL-ALLARD.

H.R. 2224: Mr. MCNERNEY and Ms. JUDY CHU of California.

H.R. 2280: Mr. SMITH of Washington.

H.R. 2412: Ms. GRAHAM.

H.R. 2450: Mr. MOULTON, Ms. MENG, and Mrs. LOWEY.

H.R. 2493: Ms. ROYBAL-ALLARD, Mr. HIMES, Mr. BRADY of Pennsylvania, Mr. CASTRO of Texas, and Ms. ESTY.

H.R. 2500: Mr. RENACCI.

H.R. 2553: Ms. GRAHAM.

H.R. 2622: Mr. MASSIE and Mrs. COMSTOCK.

H.R. 2692: Ms. VELÁZQUEZ.

H.R. 2694: Ms. GRAHAM.

H.R. 2887: Mr. LANGEVIN.

H.R. 2963: Ms. GRAHAM.

H.R. 2972: Ms. GRAHAM, Mr. BUTTERFIELD, and Mr. MEEKS.

H.R. 3012: Mr. CARSON of Indiana.

H.R. 3119: Mr. LARSEN of Washington.

H.R. 3163: Ms. GRAHAM.

H.R. 3166: Ms. NORTON, Ms. CLARKE of New York, Mr. PETERSON, Mr. HONDA, and Ms. LEE.

H.R. 3238: Ms. VELÁZQUEZ.

H.R. 3339: Mr. COSTELLO of Pennsylvania.

H.R. 3520: Mrs. COMSTOCK, Mr. ISRAEL, Mr. SMITH of Washington, and Mr. MULLIN.

H.R. 3535: Ms. LOFGREN and Ms. STEFANIK.

H.R. 3656: Ms. GABBARD and Mr. ENGEL.

H.R. 3666: Mr. SEAN PATRICK MALONEY of New York, Mr. DELANEY, and Mrs. KIRKPATRICK.

H.R. 3706: Mr. HUIZENGA of Michigan, Mr. SEAN PATRICK MALONEY of New York, Mr. CARTWRIGHT, Mr. HONDA, Ms. SEWELL of Alabama, Mr. ROONEY of Florida, Mr. CRAMER, Ms. JACKSON LEE, Mr. GRAVES of Missouri, Mr. JEFFRIES, Mr. SIMPSON, Mr. AL GREEN of Texas, Ms. HAHN, Mr. ABRAHAM, Ms. GRAHAM, and Mr. THOMPSON of California.

H.R. 3861: Mr. BEYER and Mr. RUPPERSBERGER.

H.R. 3884: Mr. GOODLATTE.

H.R. 3885: Mr. GOODLATTE.

H.R. 4055: Mr. COHEN.

H.R. 4073: Ms. PINGREE.

H.R. 4144: Ms. LEE.

H.R. 4146: Mr. CICILLINE.

H.R. 4147: Mr. CICILLINE.
H.R. 4184: Ms. TITUS and Mr. GUTIÉRREZ.
H.R. 4204: Ms. GABBARD.
H.R. 4355: Ms. BROWN of Florida and Ms. WASSERMAN SCHULTZ.
H.R. 4445: Ms. LEE.
H.R. 4526: Mr. BYRNE and Mr. CARTER of Georgia.
H.R. 4559: Mr. GOODLATTE and Mr. WITTMAN.
H.R. 4603: Ms. GRAHAM.
H.R. 4622: Mr. ZINKE and Mr. GRAVES of Missouri.
H.R. 4625: Mr. ROGERS of Kentucky.
H.R. 4668: Mrs. NAPOLITANO.
H.R. 4683: Ms. SINEMA and Mr. FOSTER.
H.R. 4794: Mr. MEEHAN, Mr. LARSON of Connecticut, Mr. TIBERI, and Mr. RENACCI.
H.R. 4795: Mr. MEEHAN, Mr. LARSON of Connecticut, Mr. TIBERI, and Mr. RENACCI.
H.R. 4813: Mr. SMITH of New Jersey and Mr. LARSON of Connecticut.
H.R. 4818: Mr. HILL and Mr. NUGENT.
H.R. 4907: Miss RICE of New York, Mr. BUCHANAN, Mr. ASHFORD, Mrs. BLACK, and Mr. DOLD.
H.R. 4919: Mr. CÁRDENAS, Mr. LEWIS, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. RIBBLE, Ms. ROYBAL-ALLARD, and Ms. TITUS.
H.R. 4938: Mr. HASTINGS, Mr. JOLLY, Mr. DANNY K. DAVIS of Illinois, Mr. MESSER, Mr. ISSA, Ms. WILSON of Florida, Mr. TED LIEU of California, Mr. KATKO, Mr. HARPER, Mr. STEWART, Mr. RICE of South Carolina, Mr. BISHOP of Georgia, Mr. SMITH of Texas, Mr. BABIN, Mr. CLEAVER, and Mr. OLSON.
H.R. 4989: Mr. HONDA and Ms. KUSTER.
H.R. 5076: Mr. GOODLATTE.
H.R. 5083: Mr. BEN RAY LUJÁN of New Mexico.
H.R. 5085: Ms. FUDGE, Mr. AL GREEN of Texas, Ms. JUDY CHU of California, Mr. SERRANO, Ms. DELAURO, Mr. HONDA, and Ms. LEE.
H.R. 5235: Ms. ESHOO, Ms. LOFGREN, Ms. SPEIER, and Mr. PETERS.
H.R. 5256: Mr. GALLEGO and Mr. CÁRDENAS.
H.R. 5332: Mr. ROSKAM and Ms. SLAUGHTER.
H.R. 5373: Ms. VELÁZQUEZ, Mr. CROWLEY, Ms. KELLY of Illinois, and Mr. HECK of Washington.
H.R. 5418: Mr. LAHOOD, Mr. WENSTRUP, Mr. COLLINS of Georgia, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mr. YOUNG of Alaska, Mr. MCCAUL, and Mr. ROSS.
H.R. 5422: Ms. JACKSON LEE.
H.R. 5474: Mr. CICILLINE.
H.R. 5488: Mr. HONDA, Ms. MOORE, and Ms. CLARKE of New York.
H.R. 5506: Mr. DEFAZIO.
H.R. 5619: Mr. JONES, Mr. ROE of Tennessee, and Ms. JENKINS of Kansas.
H.R. 5621: Mr. BYRNE.
H.R. 5622: Mr. KILMER.
H.R. 5624: Mr. PETERSON.
H.R. 5695: Mr. CICILLINE.
H.R. 5732: Mr. YOHO, Mr. SMITH of New Jersey, Ms. SINEMA, Ms. LOFGREN, Mr. VEASEY, Mrs. TORRES, and Mr. MEEKS.
H.R. 5734: Mrs. BLACKBURN.
H.R. 5855: Ms. ESHOO and Mr. SWALWELL of California.
H.R. 5928: Mr. ELLISON.
H.R. 5942: Mrs. NAPOLITANO, Mr. SERRANO, Mr. SCHRADER, Ms. BORDALLO, and Mrs. ROBY.
H.R. 5955: Mr. HUNTER.
H.R. 5961: Mr. BILIRAKIS, Mr. BISHOP of Michigan, and Mr. DUFFY.
H.R. 5974: Mr. SHERMAN.
H.R. 6003: Mr. EMMER of Minnesota.
H.R. 6036: Mr. YOUNG of Alaska, Ms. CLARK of Massachusetts, Mr. KEATING, Mr. MOULTON, Mr. FARENTHOLD, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. CRAMER, and Mr. ROYCE.
H.R. 6048: Mr. PAYNE and Mr. CONYERS.
H.R. 6072: Mr. SMITH of Washington.
H.R. 6073: Mr. SMITH of Washington.
H.R. 6097: Miss RICE of New York.
H.R. 6108: Ms. CASTOR of Florida and Mrs. TORRES.
H.R. 6117: Ms. WILSON of Florida and Ms. NORTON.
H.R. 6122: Ms. SLAUGHTER.
H.R. 6131: Mr. KELLY of Pennsylvania and Mr. MEADOWS.
H.R. 6149: Mr. MCGOVERN, Miss RICE of New York, Ms. KUSTER, and Mr. SWALWELL of California.
H.R. 6164: Mr. SWALWELL of California.
H.R. 6168: Ms. LINDA T. SÁNCHEZ of California, Mr. CASTRO of Texas, and Ms. JUDY CHU of California.
H.R. 6197: Mrs. NAPOLITANO.
H.R. 6205: Mr. SWALWELL of California.
H.R. 6208: Mr. CICILLINE and Mr. MCGOVERN.
H.R. 6212: Mr. LOWENTHAL, Ms. ESHOO, and Mr. WELCH.
H.R. 6265: Mr. DOGGETT.
H.R. 6275: Ms. WILSON of Florida, Ms. LEE, Ms. NORTON, and Mr. LOBIONDO.
H.R. 6287: Mr. BYRNE and Mrs. ROBY.
H.R. 6297: Mrs. LOWEY, Mr. GIBSON, Mr. GENE GREEN of Texas, Mr. SHERMAN, and Mr. KING of New York.
H. Con. Res. 161: Mr. DESANTIS, Mr. JONES, Mr. HIMES, Mr. HONDA, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. ROSS, and Mr. KILMER.
H. Res. 12: Mr. DIAZ-BALART.
H. Res. 289: Mr. GUTIÉRREZ.
H. Res. 540: Ms. VELÁZQUEZ, Ms. TSONGAS, Mrs. CAROLYN B. MALONEY of New York, Mr. LOWENTHAL, Ms. MAXINE WATERS of California, and Mr. THOMPSON of California.
H. Res. 647: Mr. TED LIEU of California and Mr. VISCLOSKY.
H. Res. 683: Mr. TED LIEU of California.
H. Res. 750: Mr. SHERMAN.
H. Res, 848: Mr. COFFMAN, Mr. STIVERS, Mr. ROGERS of Kentucky, and Ms. PINGREE.
H. Res. 854: Ms. PINGREE and Ms. NORTON.
H. Res. 861: Mr. WESTERMAN, Mr. CONNOLLY, Mr. TIPTON, Mr. BEYER, Ms. MAXINE WATERS of California, Ms. KELLY of Illinois, Ms. ADAMS, Mr. VEASEY, Mr. KATKO, Mr. NOLAN, and Mr. MEEKS.
H. Res. 871: Mr. WALZ,
H. Res. 885: Mr. CASTRO of Texas, Miss RICE of New York, and Mr. VALADAO.
H. Res. 899: Mr. COURTNEY, Mr. GIBSON, Mr. LAMALFA, Mr. HECK of Washington, Mr. GRIJALVA, Ms. SCHAKOWSKY, Miss RICE of New York, and Mr. TAKANO.