United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164 WASHINGTON, WEDNESDAY, MARCH 21, 2018 No. 49

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 21, 2018.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 8, 2018, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 10:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

THE SANCTUARY MOVEMENT AND THE DOCTRINE OF NULLIFICATION

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

Mr. MCCLINTOCK. Mr. Speaker, California's Legislature has forbidden local governments from cooperating with Federal immigration authorities, and has even gone so far as to forbid private citizens from volunteering information to Federal law enforcement under threat of criminal prosecution. Government officials have alerted criminal illegal aliens of impending ICE raids and placed an illegal immigrant on a governing body.

Mr. Speaker, these actions invoke the doctrine of nullification, the discredited principle that any State or local government that doesn't like a Federal law is free to violate it. It formed the central legal argument that the Southern Confederacy used in its attempt to tear our Federal Union apart. It ignores the supremacy clause of the Constitution, the enumerated powers of Congress, and the exclusive jurisdiction given the courts to adjudicate disputes involving the States.

When South Carolina used this doctrine in 1832 to ignore a Federal tariff, President Andrew Jackson sent warships to Charleston harbor, threatened to hang the instigators, and declared that nullification was ''incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed.''

Jackson and, later, Lincoln understood how toxic this doctrine is to the rule of law and to the fundamental principles of federalism. If allowed to stand, the Constitution becomes impotent, our laws become mere suggestions, and the Federal Union itself disintegrates.

Like their Confederate predecessors, the California secessionists assert the 10th Amendment with no apparent understanding of it. The 10th Amendment reserves to the States powers not delegated to the Congress. Jurisdiction over immigration law is explicitly reserved to Congress and is thus denied the States. The supremacy clause is equally clear that the laws made within the constitutional authority of the Federal Government are the supreme laws of the land.

There is good reason for immigration law to be in Federal hands. As Attorney General Sessions explained in Sacramento a few weeks ago, if our immigration laws are not to be enforced, then our national borders mean precisely nothing. Nations that either cannot or will not defend their borders simply aren't around very long. The open borders advocated by California officials are suicidal for any nation.

Our Nation of immigrants depends on the enforcement of our immigration laws. A nation that is founded of immigration must be able to regulate the flow and set the conditions of immigration. That is what promotes and protects the process of assimilation, the glue that holds together a nation drawn from every continent.

Assimilation assures that uniquely American traditions and values—a common language, a common culture, and a common devotion to American constitutional principles—are preserved. Our immigration laws welcome those from around the world, but they also unite us as a people. Illegal immigration undermines the process of assimilation and makes a mockery of the millions of legal immigrants who have obeyed our laws and done everything our country has asked.

California officials claim that they are not defying Federal law, but only refusing to use State resources to enforce it. Well, Federal law is crystal clear: ''A Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.''

Yet that is precisely what California's nullification acts do.

They also claim they are trying to preserve the trust of the illegal immigrant community to report crimes.

Well, does this mean that anyone who reports a crime or talks to a police

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officer should be immune from arrest for the crimes that they may have committed?

And what about protecting the rest of our community from criminal illegal aliens in our midst?

The Constitution commands the executive to ''take care that the laws be faithfully executed.'' That means all laws, including our immigration laws.

For all its sanctimony, the sanctuary movement's principal legal argument springs from the same poisoned fountainhead that almost destroyed our Nation in the Civil War. Jackson and Lincoln understood that it must be confronted and defeated. President Trump and Attorney General Sessions have made it clear that this administration does, too.

GOP ATTACKS ON HEALTHCARE

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

Ms. MOORE. Mr. Speaker, as you recall, 8 years ago this week, the Affordable Care Act became law. Since then, we have seen a historic increase in health coverage, with millions of people gaining access to better quality healthcare.

Under the ACA, we saw the nonelderly uninsured rate cut almost in half, from 18 percent to 9.4 percent. Individuals previously denied coverage due to preexisting conditions saw life-changing improvements in benefits and coverage. Seniors, who are finally able to spend less on Medicare coverage and prescription drugs, had a chance at a secure and peaceful retirement.

In my State alone, Wisconsin, 224,000 people became covered by ACA exchanges. From 2013 to 2016, the number of uninsured individuals declined by a whopping 42 percent.

But we all know, Mr. Speaker, that hardworking Americans were taking advantage of this less expensive, superior healthcare coverage while, at the same time, the GOP embarked on their all-out war against the ACA. I mean, they took no prisoners, hell-bent on sabotaging, butchering, and repealing this law at the expense of our Nation's must vulnerable.

I mean, let's get down into the nitty-gritty depths of this depravity.

Mr. Speaker, how do you think, for example, that the GOP, this Congress, is going to pay for the $1.18 trillion deficit hole created by these tax cuts for the richest Americans and for corporations?

Mr. Speaker, you well know the answer. What we are going to do is plunder Medicare and Medicaid. We are going to build public sentiment for these actions by demonizing the poor and targeting people who already have limited access to jobs and healthcare.

Oh, come on now. We all know, Mr. Speaker, that you have been dreaming about slashing Medicaid ever since you were drinking at college keg parties. You said so yourself, Mr. Speaker.

Well, now, with the help of our President, you are acting on your dream. Your dream is coming true. And we have already seen an influx of States, including my own State of Wisconsin, submit work requirement waivers. This administration has already approved three of them, and there are sure to be more.

These attacks are unprecedented. Never has any administration gone this far to kick needy Americans off the only healthcare they have.

My own State's Governor, Scott Walker, is spearheading one of the most restrictive welfare reform proposals in the Nation. He wants harsh work requirements, drug testing restrictions, and other barriers to our State's most at-risk families to access Social Services.

These folks who are being targeted are already struggling to find work, and they are marginally connected to the workforce.

How does throwing them off healthcare help?

I say we need to uphold the ACA.

RECOGNIZING WORLD DOWN SYNDROME DAY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today, on World Down Syndrome Day, to celebrate the many individuals living with Down syndrome who are changing the world.

People with Down syndrome can and do make meaningful contributions throughout their lives, in schools, in workplaces, their communities, public and political life, culture, media, and more.

Take Gerber's adorable spokesbaby, Lucas Warren, a 1-year-old from Dalton, Georgia, whose infectious smile set him apart from the 140,000 entries that Gerber received for the competition. After Lucas made his big debut in February on the TODAY show, the world fell in love with him, too.

Lucas is the first child with Down syndrome to win the title since Gerber began the competition. His parents, Cortney and Jason Warren, said they hope that Lucas' story will shed light on the special needs community and help more individuals with special needs be accepted, and I certainly agree.

Another incredible person living and thriving with Down syndrome is Kayla McKeon. Kayla is the manager of grassroots advocacy for the National Down Syndrome Society. She is the first registered lobbyist with Down syndrome.

I met Kayla not too long ago when she interviewed me for her podcast, Kayla's Corner. She is upbeat and outgoing, and that is just part of what makes Kayla so special.

A native of Syracuse, New York, Kayla is also a motivational speaker who draws on her experiences as an individual with a disability whose positive attitude inspires others to reach their highest potential.

Kayla is also a Special Olympian who competes in floor hockey and bowling tournaments. But in many ways, Kayla is living a life like any other young person. She lives in Washington, D.C., and rides the Metro. She has a busy social life. She likes sporting events and motorcycle rides, but she is extraordinary and she is a role model for others.

Kayla told the Auburn Citizen newspaper that she is committed to showing how much people with Down syndrome can achieve. She said: ''We are most definitely ready, willing, and able to do anything we set our minds to, getting a job, driving a car, going to college. We want to showcase our abilities, not our disabilities.''

Well, I couldn't agree more with Kayla. After meeting this enthusiastic young woman, I am certain that she is able to do anything that she puts her mind to, and she is an outstanding ambassador for the Down syndrome community.

Mr. Speaker, all people with Down syndrome must have opportunities to contribute to the community and live valued lives on a full and equal basis with others in all aspects of society.

People with Down syndrome can and do bring so much to the community wherever they live, around the world, when given the opportunity.

Mr. Speaker, I ask my colleagues to join me in celebrating World Down Syndrome Day, where we not only celebrate all the achievements of those living with Down syndrome, but we double down in our commitment to ensure that no one with Down syndrome is prevented from making meaningful contributions to society. They have so much to give and make this world a brighter place.

OUTSOURCING U.S. JOBS AND WAGES

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

Ms. DELAURO. Mr. Speaker, I rise to bring much-needed attention to a critical issue: the outsourcing of U.S. jobs and wages.

I have been fighting on behalf of working people to stop outsourcing, to stop sending our jobs overseas; and fighting against low-income wages that outsourcing has caused since the day I came to the Congress.

Right now, we have an opportunity to make real progress, pushing back against outsourcing. But in order to make that opportunity reality, we cannot accept the status quo on the North American Free Trade Agreement.

Any renegotiated NAFTA must eliminate the incentives for outsourcing jobs, raise wages, and level the playing field for North American workers. It is our job to ensure that the

Trump administration keeps its promises to the middle class, and put an end to the outsourcing of jobs by fighting for strong, enforceable labor and environmental standards.

□ 1015

The U.S. labor proposal in NAFTA must dramatically improve to stop the outsourcing of good-paying jobs and the suppression of wages for working people. Unless we rewrite NAFTA with the workers at the center of our goals, we will repeat the same mistakes that we have made in the past.

The North American Free Trade Agreement has already facilitated the outsourcing of a million American jobs to Mexico where corporations can pay workers poverty wages and dump toxins into the environment before bringing products back into the U.S. for sale.

American workers and the environment lose. In fact, in 2004, in my district in Connecticut, we lost 300 good jobs at the BIC plant in Milford, Connecticut, because the company moved their razor operation to Mexico.

Beyond BIC, NAFTA had a tremendously negative impact on my home State in Connecticut. In fact, we lost more than 100,000 manufacturing jobs since it was enacted and since China was allowed to join the WTO—the period between 1994 and 2016, according to the Bureau of Labor Statistics. That amounts to nearly 40 percent of the manufacturing jobs in Connecticut, taking into account both jobs created by exports and jobs displaced by imports.

As these jobs moved overseas, the percentage of all private sector jobs that are manufacturing jobs in Connecticut declined from 20 percent to 11 percent during the NAFTA–WTO period. I watched and I fought against the slow death of the Ansonia Copper and Brass Company as they suffered under these policies.

In Connecticut, more than 25,000 workers are certified as having lost their job due to imports or outsourcing under the Trade Adjustment Assistance program—companies such as Carrier, Exxon Mobil, General Electric, Honeywell, Northrop Grumman, Dow Chemical, The Hershey Company, 3M, and others.

So manufacturing jobs, good-paying jobs that you can support a family with, took a big hit in Connecticut because of NAFTA—workers who made electrical products, medical products, machined parts, printing products, clothing, automotive parts, aircraft parts, and the list goes on.

When negotiated with the workers in mind, trade agreements can create jobs in America, and I will hold the Trump administration to that standard, just as I have done with every administration, no matter which party occupies the White House.

Turning to investor-state dispute settlement, or ISDS, in trade agreements, ISDS makes it easier to outsource jobs from the United States by making it less risky. It makes it less risky for companies to move their manufacturing to places that have a weaker rule of law and an underdeveloped court system. The assumption is that, instead of relying upon rule of law and the courts, corporations can just sue the taxpayers of the host country.

ISDS undermines the home advantage of a relatively well-developed court system and the rule of law like what we have here in the United States. Furthermore, ISDS can be wielded as a weapon to threaten and discourage efforts to raise wages, which encourages outsourcing. For example, the Egyptian Government was recently challenged by a multinational corporation because of a raise in the minimum wage.

President Trump ran on a platform that called for an end to the outsourcing of good-paying jobs, yet his tax law, arguably his proudest achievement thus far, incentivizes outsourcing, encourages companies to export jobs by creating a lower rate for multinational corporations to invest abroad. This is nowhere near the corporate tax rate for domestic investments. This is a job killer.

Right now, a company that makes their wares outside of the United States pays up to 13 percent in U.S. taxes. The same company making their wares in the United States pays 21 percent in taxes on their operations. I have recently introduced a bill striking the sections of the law that create this incentive to outsource.

In closing, the biggest economic issue of our time is that too many people who play by the rules are in jobs that do not pay them enough to live on. They are struggling with rising costs of healthcare, with childcare, and some can't even put food on the table. We need to fight for these workers. We should not be sending their jobs and their wages overseas, and I will continue to fight outsourcing for hardworking middle class Americans. The stakes could not be higher.

HONORING LIEUTENANT CALEB KING

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

Mr. DESANTIS. Mr. Speaker, I rise to pay tribute to Lieutenant Caleb King, a naval aviator and Port Orange, Florida, native who died when his F/A–18 Super Hornet crashed while training onboard Naval Air Station Boca Chica in Key West, Florida.

Caleb King was a standout football player at Warner Christian Academy in South Daytona. He was recruited to play football at a number of colleges but chose to combine college football with service to our country by attending the U.S. Naval Academy, and as a linebacker, he was a key component of successful Navy teams that played in two bowl games and, most importantly, went 4–0 against Army.

After graduating from the U.S. Naval Academy, Caleb completed extensive training to become a naval aviator and was eventually assigned to Strike Fighter Attack Squadron 213 based in Virginia Beach. Our fighter jets represent the tip of the sphere of America's offensive air capabilities, and the aviators assigned to these units are some of the best sailors in the fleet, so it is not surprising that someone like Caleb would find himself at VFA–213.

While we don't know yet the reason for the crash, suffice it to say that officers like Caleb put their lives on the line every day. The training they do is inherently dangerous, and it is not for the faint of heart.

Caleb King was a big, strong, American patriot. He was an inspiration to those who knew him. He served our country with distinction and lived up to the Navy's ethos of honor, courage, and commitment.

Our thoughts and prayers go out to the King family, particularly his wife, Victoria, and daughter, Rain.

America lost a promising naval flight officer last week in Key West. Lieutenant King dedicated his life to something bigger than himself: serving our Nation in uniform and risking his own life to do so. That is what we call a hero.

SUPPORTING MAKING PORTUGUESE CITIZENS ELIGIBLE FOR E1 AND E2 VISAS

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

Mr. COSTA. Mr. Speaker, I rise today to urge my colleagues to join me in fostering further investment in our United States economy by one of our oldest allies, Portugal.

As a co-chair of the Congressional Portuguese Caucus, I am proud to join Congressmen CICILLINE and VALADAO in leading the AMIGOS Act, which will make Portuguese citizens eligible for E1 and E2 visas. These visas allow individuals to enter the United States to conduct substantial trade or invest a substantial amount of capital, which spurs investment in our economy and helps create jobs. That is, after all, what we do with our friends, with our allies.

In 2015 alone, between Portugal and the United States, there was $4.2 billion in trade. That created jobs here in the United States. It creates jobs in Portugal. It is good for both countries, and that is the way friends ought to work together.

There is precedent here. Congress granted eligibility for Israel in 2012 with the E1 and E2 visas, which allow for easier access for businesspeople who are engaged in these kinds of economic activities. What is more, Portugal was one of the first countries to recognize the United States after we declared our independence and won the Revolutionary War.

For many of us, if we remember our history, after World War II, to defend

Western democracies, Portugal, along with the United States, helped organize Western Europe to create NATO, the North Atlantic Treaty Organization, that has been the bulwark of defense of Western ideals that are the foundation of our democracies.

For these reasons and more, I call upon my colleagues to join me in supporting a commonsense, bipartisan piece of legislation, the AMIGOS Act, which will further opportunities for business in America by creating more jobs and continue to enhance the relationship that has existed for over 200 years between the United States and Portugal.

WOMEN'S HISTORY MONTH

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

Mr. SMUCKER. Mr. Speaker, I rise today to recognize and honor the irreplaceable contributions that women have made to our Nation. As pioneers of industry and champions of human rights, women have played a critical role in the advancement of our society.

March is Women's History Month, so I want to take a moment to talk about just three of the many women from my community who have made the world a better place.

One of those women is Lydia Hamilton Smith from Lancaster County, an African-American woman, who became the partner and confidant of Pennsylvania Congressman Thaddeus Stevens during the Civil War and during the ensuing debate and passage of the 13th Amendment.

During the Battle of Gettysburg, Ms. Hamilton Smith hired a horse and wagon and went out to collect food and supplies from York, Adams, and Lancaster Counties. Once her wagon was full, she traveled to the makeshift hospitals tending to wounded soldiers from the battle.

The recent excavation of Lydia Hamilton Smith's and Thaddeus Stevens' houses in Lancaster uncovered a passageway that led to a tavern that is believed to have been used to shelter escaped slaves. The work Lydia contributed to the Underground Railroad and the abolition movement at large is reflective of the difficult, perilous, and humble work by women during that time period to end slavery.

The next woman I would like to recognize today is Rebecca Lukens of Chester County. I would like to read an excerpt from a May 2012 piece published in the Daily Local News:

''Imagine the year is 1825. You are a 31-year-old mother, pregnant with your sixth child. You've already lost two children in infancy. Your husband has struggled for a dozen years to build an iron-making business in the rolling backcountry of Chester County on the banks of Brandywine Creek. Suddenly he dies, leaving you alone. The ironworks employees are ready to leave, and your overbearing mother implores you to abandon the business.''

This is what Rebecca Lukens had to confront, but she didn't give up. Rebecca ran the household and the business, building it over the next few decades into a successful company that we know today as ArcelorMittal, the world's leading steel and mining company.

Women like Rebecca teach our sons and daughters that, if you work hard and dream big enough, you can break molds and you can achieve your goals.

Lastly, Mr. Speaker, I would like to recognize Barbara Franklin. Born in Lancaster County and a graduate of Hempfield High School, she is perhaps best known for serving in President George H.W. Bush's Cabinet as the 29th Secretary of Commerce.

Following the student protests and massacre in Tiananmen Square in China, the United States imposed sanctions and a ban on governmental contacts. When President Bush sought to normalize relations with China, Barbara led that effort. She reconvened the U.S.-China Joint Commission on Commerce and Trade, opening new markets for American products. She says this is the most important thing that she did as Commerce Secretary.

Barbara was also one of the very first women to graduate from Harvard Business School. As the current president and CEO of Barbara Franklin Enterprises, she has a reputation for breaking down barriers and being a leading voice for women's equality and empowerment in the workplace.

Each of the three women I have highlighted today are successful in their own right. They have paved the way for current and future generations of young people who have the same entrepreneurial drive. Their leadership has inspired men and women, alike, and has set an example of what hard work, determination, and standing for what you believe in looks like.

I have to say I am quite proud to have such impressive role models come from my congressional district. It is women like Lydia, Rebecca, Barbara, and many others who are shining examples of the progress our country has made over the last two centuries, who give hope for the future and remind us of the important contributions of women.

□ 1030

A CALL FOR ACTION AGAINST GUN VIOLENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I am saddened and angered that the high school in my district, Great Mills High School, in St. Mary's County, was the site of the most recent school shooting, of which there have been 17 just since the beginning of this year.

Two students were injured, and the gunman, also a student, was killed. And an entire community of parents, students, teachers, and faculty has been shaken by this violence.

If it had not been for the courage and quick action of the school resource officer, Blaine Gaskill, and local law enforcement, the casualties might have been far, far greater.

Blaine Gaskill is a hero, as are the teachers, students, and other school personnel.

Tim Cameron, the sheriff of St. Mary's County, and the sheriff's office, of which Blaine Gaskill was a member, responded exactly as they had practiced: efficient, effective, and caring.

Kathy O'Brien, who heads up a place called Walden in our county and in southern Maryland, was on site within an hour, dealing with the crisis and the mental health challenges it caused.

Principal Jake Heibel made sure the school responded effectively. The superintendent of schools, Dr. James Smith, had made sure that the school would act in a way that was appropriate.

We thank all of them.

But, Mr. Speaker, our Nation is suffering from a crisis of gun violence. It has affected schools, places of worship, entertainment venues, city streets, and other places where a lot of people congregate.

No other industrialized society or nation faces such a crisis, and that is because, in America, our laws allow almost anybody to access dangerous firearms, almost no questions asked.

Furthermore, we allow the sale of assault rifles of the kind used by soldiers in the battlefield, designed to kill a lot of people quickly.

In this instance, it was a handgun, a Glock. I do not know the capacity of the magazine that was used, but it was not an assault rifle.

This Republican-led Congress, Mr. Speaker, has chosen to follow the lead of the NRA and do nothing of substance.

We did pass a bill the other day that gave schools some help, some grant money, to ensure the safety of their schools. That was appropriate to do. But they could do that now on their own. We will help, that is good, but it does not address the real problem. Perhaps that was the point.

And America's students, however, Mr. Speaker, won't have it. I had the opportunity last Wednesday to stand with thousands of students who walked out of their schools, walked into democracy, and marched to the Capitol to call for action against gun violence.

These young people, Mr. Speaker, displayed the best of America, using their voices and their actions, to promote a just cause and a worthy effort to make our Union more perfect.

The other Members and I who joined these young Americans could see that they do not take this and other national challenges lightly. Indeed, they had much to say about the future they want for our country and for the role they want to play to shape it.

One of the students, Mr. Speaker, from Maryland, Matt Post, spoke extraordinarily eloquently.

Mr. Speaker, I include in the RECORD his remarks.

My name is Matt Post. I'm a twelfth-grader, the Student Member of the Board for Montgomery County, and, I think, as students we need to make a few things clear.

To start, we will not sit in classrooms with armed teachers. We refuse to learn in fear. We reject turning our schools into prisons.

We will accept nothing less than stricter gun control. If it's what it takes, we are going to shame our national policymakers into protecting us, not just in schools but in churches, movie theaters, on the streets, and for the communities of color who are disproportionately devastated by the sickness of gun violence.

The lawmakers who fail to support us, those who look for every answer to our nation's gun problem but the guns themselves, are complicit in every single death that comes after. To every politician sitting in the Capitol behind us, you get to decide who lives.

And so, this is not a partisan issue for us. There's nothing cosmetic about life or death. This is about our basic morality as a country.

When the commander-in-chief's solution to this gun epidemic is more guns, you know we have a moral problem in the White House.

When national policymakers value the blood money of the NRA over the lives of children, you know we have a moral problem in the Halls in Congress.

And when this is doomed to happen again—when, in the coming weeks and months, more of my peers will be slaughtered in their own classrooms, when their deaths will be dismissed as collateral—you know we have a moral problem in this country.

So let's make one last thing clear: their right to own an assault rifle does not outweigh our right to live.

The adults have failed us. This is in our hands now. And if any elected official gets in our way, we will vote them out and replace them ourselves.

'Enough is Enough!'

Mr. HOYER. Mr. Speaker, I am not going to read the remarks in their entirety, but I do want to highlight one thing Matt had to say, which I thought was so profound.

He concluded his remarks by saying: '' . . . their right to own an assault rifle does not outweigh our right to live.''

His right to live is guaranteed by the Constitution as well.

There were many others like Matt, Mr. Speaker, other student leaders from our area, who stood up and spoke out and roused their peers to be engaged.

Along with Matt, I want to recognize Brenna Levitan; Eri Shay; Emily Dohler Rodas; Michael Solomon; Nate Tinbite; Christian Crawford; and a student from American University, who helped them organize, Aaron Thorp.

These student leaders, and their many peers who marched with them last week, deserve to be heard in the Halls of Congress.

Mr. Speaker, we must not fail them.

Like the young leaders of generations ago, of centuries ago, a millennia ago, these young leaders are calling to our conscience to take action, and we must not fail them.

We must not fail the students and teachers and parents of Great Mills High School in St. Mary's County; or Marjory Stoneman Douglas High School in Parkland, Florida; or Marshall County High School in Kentucky; or Umpqua Community College in Roseburg, Oregon; or Sandy Hook Elementary School in Newtown, Connecticut; or Virginia Tech; or Columbine; or any other school that has witnessed the carnage of a school shooting.

Mr. Speaker, we must take real action—action to make our schools and our communities safer from gun violence.

I am proud to stand with the young Americans who walked out—and I thank them for their passion and their advocacy—and who say they do not want to go to school and be afraid.

One young woman said the first thing she does when she goes to school now is to look for a place to hide.

Mr. Speaker, we must do better than that. I will continue to work closely with the community in Great Mills in the days and weeks ahead, as we try to heal and move forward.

But, Mr. Speaker, in order to do that, this body, the people's body, who raise our hand and swear an oath to the Constitution and the laws of our country, designed to create a more perfect Union, a Union in which the right to life, liberty, and the pursuit of happiness is protected by the people's House, Mr. Speaker, let us act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

Minister Jeremiah Tatum, Willow Avenue Church of Christ, Cookeville, Tennessee, offered the following prayer:

Father in Heaven, we bow to You and praise You upon this, the beginning of spring. We are reminded that You are in control of all things, and it is by Your hand that they exist and were created.

Look down in mercy, we beseech Thee, on these our American States. Be Thou present, O God of wisdom, and direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation. Direct them according to the instructions of Your holy word.

We humbly ask for Your care and patience. We request the revival of the spirit by which we were founded and have endured. We pray for Your guidance upon our President, his Cabinet, the Members of our Congress, and each and every person within our government. We pray for Your truth and love and peace to reign in our country and in our world.

In Jesus' name, 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.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. TROTT led the Pledge of Allegiance as follows:

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

WELCOMING MINISTER JEREMIAH TATUM

The SPEAKER. Without objection, the gentlewoman from Tennessee (Mrs. BLACK) is recognized for 1 minute.

There was no objection.

Mrs. BLACK. Mr. Speaker, it is my honor to welcome Minister Jeremiah Tatum from Cookeville, Tennessee, to our Nation's Capital.

In Congress, we begin each day thanking the Lord for His provision

and asking for continued guidance, protection, and wisdom. It is a great privilege to have a fellow Tennesseean lead us in this sacred tradition today.

Minister Tatum was born in Los Angeles County, California, and comes from seven consecutive generations of preachers. His call to ministry began 27 years ago, and he is currently serving his eighth year as the pulpit minister of Willow Avenue Church of Christ in Cookeville.

In addition to local work, Minister Tatum preaches abroad and serves overseas with foreign missions. He encourages young men to become preachers and believes he has the best job in the world. Our community is so grateful for his service.

He is married to Amber, and they have three children: Luke, Daniel, and LyssaBeth. I know his family and the Willow Avenue congregation are very proud to have him with us today, and I thank him for opening our day in prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECOGNIZING THE 24TH ANNUAL VERA HOUSE WHITE RIBBON CAMPAIGN

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

Mr. KATKO. Mr. Speaker, I rise today to speak out against domestic violence and sexual abuse.

Domestic violence affects people from all backgrounds. Regardless of race, religion, and socioeconomic background, domestic abuse touches all aspects of our community.

According to the National Coalition Against Domestic Violence, nearly 20 people per minute are assaulted by an intimate partner. We must work together to stop this.

Central New York is home to Vera House, a wonderful organization that works to prevent and respond to domestic and sexual violence. This month, it kicked off its 24th annual White Ribbon Campaign in central New York. This campaign raises awareness for the need to put an end to domestic violence and sexual abuse.

Throughout the duration of the White Ribbon Campaign, thousands of central New Yorkers, such as myself, will be wearing a white ribbon or a white wristband to stand in solidarity against abuse.

I urge my House colleagues to join me in wearing a white ribbon to demonstrate a personal pledge to work towards preventing violence against men, women, and children.

PROTECT THE MUELLER INVESTIGATION

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

Mr. WELCH. Mr. Speaker, make no mistake about it: through their words and actions, President Trump and his allies are doing everything they can to destroy the independent investigation of Special Counsel Robert Mueller through provocative tweets: a witch hunt;

Through reckless actions: firing Director Comey and Assistant Director McCabe; and

Through provocative statements: his personal attorney calling for an end to the investigation.

The question, Mr. Speaker, is not what the President wants to do or may do. The question is: Will Congress do what it must do, which is protect the Mueller investigation?

A number of us have a bill that would do just that. Our bill would require a three-judge panel to approve any dismissal of Mr. Mueller.

Mr. Speaker, no American is above the law, no Member of Congress is above the law, and no member of the executive branch is above the law, including President Trump.

Mr. Speaker, let the House vote on our bill. Make each one of us be accountable to our constituents on the rule of law.

Will we vote to protect the Mueller investigation or will we acquiesce to the President's threats and temper tantrums?

Mr. Speaker, let us vote.

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

HONORING THE LIFE OF WILLIAM PULTE, SR.

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

Mr. TROTT. Mr. Speaker, I rise today to honor the life of William Pulte, Sr. He passed away earlier this month at the age of 85.

In 1950, at the age of 18, Bill Pulte started building and selling homes in southeast Michigan. In 1956, he founded Pulte Homes, known today as the Pulte Group. Over the next 50 years, he grew the company into the largest homebuilder in the United States.

Bill Pulte was a legend in the business world, but his legacy is one of great devotion to his family and community. He was involved with the Angel Fund, a group which anonymously provides families in Detroit with shelter. His philanthropy helped Cornerstone Schools provide thousands of young people in Detroit with a great education, and his passion for homebuilding took him all the way to Central America to help its poorest communities.

So it is most appropriate that we pause today from our Nation's business to remember and celebrate the life of Bill Pulte. His hard work, devotion, and vision changed the world for the better, and for that, we thank him.

UCR VETERANS PROJECT

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

Mr. TAKANO. Mr. Speaker, the Riverside National Cemetery is the final resting place for nearly 300,000 former military personnel and their family members. Each of them have a story that deserves to be told.

I rise today to applaud the University of California, Riverside, on a new grant that will be used to research and tell these stories.

With support from the Department of Veterans Affairs, UC Riverside faculty and students will document the lives of those who served and partner with K–12 schools to help teach young people about the value of service and sacrifice. Our duty to honor those who sacrificed for this Nation is not limited to Memorial Day or Veterans Day.

This project will help our community understand and appreciate the individuals whose service has kept this Nation safe and free. I am proud that UC Riverside has been selected for this important initiative and look forward to seeing the meaningful work it will produce.

AMELIA EARHART CONTINUES TO INSPIRE

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

Ms. JENKINS of Kansas. Mr. Speaker, Amelia Earhart, one of the most iconic aviators in history, became the first woman to fly across the Atlantic Ocean, which launched her to national notoriety and inspired millions to follow. Highlighting her contributions to aviation, yesterday, the House passed the Amelia Earhart U.S. Post Office Act, which names her hometown post office in Atchison, Kansas, after her.

While she was lost at sea, that wasn't the end of the Amelia Earhart story. A woman's aviation group, the Ninety-Nines, which she founded, still exists today and advocates for female pilots in the industry. Amelia's legacy soars as high as ever as she continues to inspire new generations of women to reach for greater heights.

Please join me in celebrating the life of Amelia Earhart.

CHILD CARE

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

Mr. CICILLINE. Mr. Speaker, a typical Rhode Island family with an infant

and a 4-year-old pays $23,000 a year in child care. That is nearly double the cost of tuition at the University of Rhode Island.

Nationwide, the cost of child care has increased 25 percent in the past decade. That is a terrible deal. It is a raw deal for working families. Democrats have proposed the Child Care for Working Families Act, a better deal.

This bill ensures that no middle class family will pay more than 7 percent of their income on child care. It ensures universal access to high-quality preschool programs. It also raises wages for childcare workers. It focuses on the needs of middle class families and the high cost of child care.

A few months ago, my Republican colleagues passed a huge tax cut for powerful corporate special interests and the wealthiest Americans. Democrats, on the other hand, are offering A Better Deal—a deal that focuses on raising family incomes, reducing costs in people's lives, and making sure people are prepared for jobs in the 21st century.

We propose A Better Deal.

ONE FAMILY ONE RESTAURANT

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

Mr. KNIGHT. Mr. Speaker, I rise to acknowledge the work of One Family One Restaurant, a nonprofit organization in my district that tackles significant homelessness and hunger problems in southern California.

I am proud to recognize its work in giving families who struggle with food insecurity the opportunity to eat at a restaurant. One Family One Restaurant provides a unique and invaluable dining experience to families who otherwise rely on food stamps and too often wait in long lines at food banks to access food. The experience also helps heal hearts and restore a family's dignity and hope.

One Family One Restaurant does not act alone. It relies on restaurants and community members to sponsor meals and local pantries and food banks to help coordinate families in need. It takes the repeated generosity of the entire community to alleviate family hunger in their region.

This year, they will be launching their nationwide America Break Bread campaign. I encourage all of those who seek to help the hungry to join in this effort and follow the footsteps of this stellar organization. It is an honor to bring their work to the attention of the House and the Nation today.

INSULT TO OUR PRINCIPLES

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

Ms. JACKSON LEE. Mr. Speaker, I have had the privilege of being involved in a number of international organizations representing the United States. We are defined by our love, appreciation for democracy, and for selling that around the world.

The call that was made by the Commander in Chief yesterday to Vladimir Putin, whose election was a failure, at best, was an insult to our principles and our values. This is the leader of a country alleged to have used poison gas on ally soil in London, trying to kill two individuals; had the interaction in Ukraine with the bringing down of the plane; and incarcerating many people in Russia because of their views.

I think this is a poor statement for a country that promotes democracy. The world looks to us and seeks to be, in many instances, like America. They value our concern for human rights and our value of democracy. They wait for us to stand up against despots like Vladimir Putin, yet the President of the United States gives him a jolly congratulations for an election that was not an election.

□ 1115

CONGRATULATING PENN STATE WRESTLING

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to congratulate the Penn State wrestling team on winning this year's NCAA Division I National Championship.

The Penn State Nittany Lions are a force to be reckoned with and they proved it again last weekend in Cleveland, Ohio, when they brought home their seventh team title in 8 years. The team went 4-and-1 in the finals, coming back from a 6-point deficit heading into the final round to clinch the title on a pin by junior Bo Nickal in Penn State's final match of the night.

Penn State won the team title with 141.5 points, while Ohio State was in second with 134.5. Iowa took third with 97.

Head coach Cael Sanderson now has 22 national champions as a head coach, 20 at Penn State, and 7 NCAA titles.

I could not be more proud of my alma mater or this team that gave us yet another season to remember. Many college athletes dream about participating at the NCAA championships.

This team truly is the pride of Happy Valley, and I congratulate Coach Sanderson and every wrestler on the team.

We are.

CUT FRIVOLOUS SPENDING

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

Mr. BIGGS. Mr. Speaker, on September 12, 2017, I released a statement to mark and recognize that the national debt had just exceeded $20 trillion.

I asked my colleagues to follow through with our commitment to reduce expenditures and create economic stability for our future. Since that date, Congress has not taken any action to reduce our deficit or to balance our budget. Instead, we have increased our budget caps to augment Federal spending by more than 10 percent above current levels.

We suspended our debt ceiling, and this week we are preparing to pass our seventh short-term spending bill of the fiscal year. Our grossly negligent spending habits continue with no end in sight. At this rate, I am certain that we will see a $22 trillion national debt sometime around the first of next year.

Mr. Speaker, this fiscal irresponsibility is not what we promised our constituents. We are directly contributing to the bankruptcy of this Nation that we will leave to our grandchildren.

Mr. Speaker, I beg my colleagues to honor the pledge to cut our spending and reduce our debt before it is too late. We must act now before we cross another trillion-dollar threshold.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 2018.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 20, 2018, at 4:49 p.m., and said to contain a message from the President whereby he submits a Report to the Congress on the Extension of Trade Promotion Authority.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

EXTENSION OF TRADE PROMOTION AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115–104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Today, I am requesting that the Congress extend trade authorities procedures for 3 years. As required under section 103(c)(2) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Trade Priorities Act), I have attached to this message the report describing the progress that has been made in trade negotiations by my Administration and the reasons why the extension is necessary.

As noted in the 2018 Trade Policy Agenda, my Administration has launched a new era in American trade policy, driven by a determination to use the leverage available to us as the world's largest economy to open foreign markets, and to obtain more efficient global markets and fairer treatment for American workers. One of the major pillars supporting my trade policy is the pursuit of better trade deals.

As you know, my Administration is pursuing the renegotiation of the North American Free Trade Agreement—something many have promised but have failed to deliver. In addition, my Administration is exploring potential trade agreement partners, including in Africa and Southeast Asia.

I hope my Administration can continue to work with the Congress to pursue new and better trade deals for America's workers, farmers, ranchers, and businesses. Extension of trade authorities procedures is essential to fulfill that task and to demonstrate to our trading partners that my Administration and the Congress share a common goal when it comes to trade.

DONALD J. TRUMP.

THE WHITE HOUSE, *March 20, 2018*.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 2018.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 21, 2018, at 8:52 a.m.:

That the Senate passed S. 899.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PROTECT SPECIAL COUNSEL MUELLER

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

Mr. COHEN. Mr. Speaker, on Monday, I addressed this House on the issue of Mr. Mueller and his important investigation in the Special Counsel's Office.

I am concerned, as we leave on Thursday or Friday, that the President could fire Mr. Rosenstein—who has authority over Mr. Mueller—or fire Mr. Sessions and put somebody in who will jeopardize Mr. Mueller's investigation.

Accordingly, a bill I have, H.R. 4669, was filed in December to protect Mr. Mueller. It gives him due process rights—if he is fired—to go to court before a three-judge Federal panel to show that he was fired for purposes which were political and not relating to his job performance.

I am filing a discharge petition today. I will be filing it in 10 minutes, asking all Members of the House to sign it; to bring this bill to the floor immediately for a vote so that we can protect the special counsel, protect Mr. Mueller, and protect America.

God Bless America.

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 11 o'clock and 21 minutes a.m.), the House stood in recess.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 1 p.m.

TRICKETT WENDLER, FRANK MONGIELLO, JORDAN McLINN, AND MATTHEW BELLINA RIGHT TO TRY ACT OF 2018

Mr. BURGESS. Mr. Speaker, pursuant to House Resolution 787, I call up the bill (H.R. 5247) to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 787, the bill is considered read.

The text of the bill is as follows:

H.R. 5247

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 ''Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018''.

SEC. 2. USE OF UNAPPROVED INVESTIGATIONAL DRUGS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 561A (21 U.S.C. 360bbb–0) the following:

''SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) The term 'eligible patient' means a patient—

''(A) who has been diagnosed with an eligible illness;

''(B) who has exhausted approved treatment options and is not eligible to participate in (for a reason such as the patient not meeting inclusion criteria) a clinical trial designed to evaluate an investigational drug for the treatment of such eligible illness with which the patient has been diagnosed, including one involving the eligible investigational drug, or for whom participation in such a clinical trial is not feasible (for a reason such as a lack of geographic proximity to the clinical trial), as certified by a physician, who—

''(i) is in good standing with the physician's licensing organization or board; and

''(ii) will not be compensated for so certifying; and

''(C) who has provided to the treating physician written informed consent, as described in part 50 of title 21, Code of Federal Regulations (or any successor regulations), regarding the eligible investigational drug, or, as applicable, on whose behalf a legally authorized representative of the patient has provided such consent.

''(2) The term 'eligible investigational drug' means an investigational drug (as such term is used in section 561)—

''(A) for which a phase 1 clinical trial has been completed;

''(B) that has not been approved or licensed for any use under section 505 of this Act or section 351 of the Public Health Service Act;

''(C)(i) for which an application has been filed under section 505(b) of this Act or section 351(a) of the Public Health Service Act, as applicable, that is active; or

''(ii) that is under investigation in a clinical trial that—

''(I) is intended to form the primary basis of a claim of effectiveness in support of approval or licensure under section 505 of this Act or section 351 of the Public Health Service Act; and

''(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act, as applicable; and

''(D) the active development or production of which—

''(i) is ongoing;

''(ii) has not been discontinued by the manufacturer; and

''(iii) is not the subject of a clinical hold under the regulations implementing section 505(i) or section 351(a)(3) of the Public Health Service Act, as applicable.

''(3) The term 'phase 1 trial' means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

''(4) The term 'eligible illness' means—

''(A) a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months; or

''(B) a disease or condition that would result in significant irreversible morbidity that is likely to lead to severely premature death.

''(b) ALTERNATIVE PATHWAY FOR ELIGIBLE PATIENTS WITH A TERMINAL ILLNESS.—

''(1) IN GENERAL.—Eligible investigational drugs provided to eligible patients in compliance with this section are exempt from sections 502(f), 503(b)(4), and subsections (a) and (i) of section 505 of this Act, and section 351(a) of the Public Health Service Act so long as the conditions specified in paragraphs (2), (3), and (4) are met with respect to the provision of such investigational drugs.

''(2) COMPLIANCE WITH CERTAIN REGULATIONS.—The conditions specified in this paragraph, with respect to an eligible investigational drug referred to in paragraph (1), are that—

''(A) the eligible investigational drug is labeled in accordance with section 312.6 of title 21, Code of Federal Regulations (or any successor regulations); and

''(B) the provision of such eligible investigational drug occurs in compliance with the applicable requirements set forth in sections 312.7 and 312.8(d)(1) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs, subject to paragraph (5).

''(3) NOTIFICATION.—The condition specified in this paragraph, with respect to an eligible investigational drug referred to in paragraph (1), is that the sponsor of such eligible investigational drug notifies the Secretary of the provision of such eligible investigational drug for use by an eligible patient pursuant to this section. Such notification shall be submitted within 7 business days of the provision of such eligible investigational drug

as correspondence to the investigational new drug application described in subsection (a)(2).

''(4) ADVERSE EVENT REPORTING.—The condition specified in this paragraph, with respect to an eligible investigational drug referred to in paragraph (1), is that the sponsor or manufacturer of such eligible investigational drug has required, as a condition of providing the drug to a physician for use by an eligible patient pursuant to this section, that such physician will immediately report to such sponsor or manufacturer any serious adverse events, as such term is defined in section 312.32 of title 21, Code of Federal Regulations (or any successor regulations), associated with the use of the eligible investigational drug by the eligible patient.

''(5) APPLICATION.—For purposes of this section, the requirements set forth in sections 312.7 and 312.8(d)(1) of title 21 of the Code of Federal Regulations (or any successor regulations) are deemed to apply to any person who manufactures, distributes, prescribes, dispenses, introduces or delivers for introduction into interstate commerce, or provides to an eligible patient an eligible investigational drug pursuant to this section.

''(c) USE OF CLINICAL OUTCOMES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Public Health Service Act, or any other provision of Federal law, the Secretary may not use a clinical outcome associated with the use of an eligible investigational drug pursuant to this section to delay or adversely affect the review or approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act unless—

''(A) the Secretary makes a determination, in accordance with paragraph (2), that use of such clinical outcome is critical to determining the safety of the eligible investigational drug; or

''(B) the sponsor requests use of such outcomes.

''(2) LIMITATION.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall not be delegated below the director of the agency center that is charged with the premarket review of the eligible investigational drug.

''(d) REPORTING.—The manufacturer or sponsor of an eligible investigational drug that provides an eligible investigational drug pursuant to this section shall post on the same publicly available internet website used by the manufacturer for purposes of section 561A(b) an annual summary of any provision by the manufacturer or sponsor of an eligible investigational drug under this section. The summary shall include the number of requests received, the number of requests granted, the number of patients treated, the therapeutic area of the drug made available, and any known or suspected serious adverse events, as such term is defined in section 312.32 of title 21, Code of Federal Regulations (or any successor regulations), associated with the use of the eligible investigational drug.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary to require manufacturers or sponsors of investigational drugs to review and report information relevant to the safety of such investigational drug obtained or otherwise received by the sponsor pursuant to part 312 of title 21, Code of Federal Regulations (or successor regulations).''.

(b) NO LIABILITY.—Section 561B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), is amended by adding at the end the following:

''(f) LIABILITY.—

''(1) ALLEGED ACTS OR OMISSIONS.—

''(A) MANUFACTURER OR SPONSOR.—No manufacturer or sponsor (or their agent or representative) of an investigational drug shall be liable for any alleged act or omission related to the provision of such drug to a single patient or small group of patients for treatment use in accordance with subsection (b) or (c) of section 561 or the provision of an eligible investigational drug to an eligible patient in accordance with this section, including, with respect to the provision of an investigational drug under section 561 or an eligible investigational drug under this section, the reporting of safety information, from clinical trials or any other source, as required by section 312.32 of title 21, Code of Federal Regulations (or any successor regulations).

''(B) PHYSICIAN, CLINICAL INVESTIGATOR, OR HOSPITAL.—

''(i) No licensed physician, clinical investigator, or hospital shall be liable for any alleged act or omission related to the provision of an investigational drug to a single patient or small group of patients for treatment use in accordance with subsection (b) or (c) of section 561, as described in clause (ii), or the provision of an eligible investigational drug to an eligible patient in accordance with this section, unless such act or omission constitutes on the part of such physician, clinical investigator, or hospital with respect to such investigational drug or eligible investigational drug—

''(I) willful or criminal misconduct;

''(II) reckless misconduct;

''(III) gross negligence relative to the applicable standard of care and practice with respect to the administration or dispensing of such investigational drug; or

''(IV) an intentional tort under applicable State law.

''(ii) The requirements described in this clause are the requirements under subsection (b) or (c) of section 561, including—

''(I) the reporting of safety information, from clinical trials or any other source, as required by section 312.32 of title 21, Code of Federal Regulations (or any successor regulations);

''(II) ensuring that the informed consent requirements of part 50 of title 21, Code of the Federal Regulations (or any successor regulations) are met; and

''(III) ensuring that review by an institutional review board is obtained in a manner consistent with the requirements of part 56 of title 21, Code of the Federal Regulations (or any successor regulations).

''(2) DETERMINATION NOT TO PROVIDE DRUG.—No manufacturer, sponsor, licensed physician, clinical investigator, or hospital shall be liable for determining not to provide access to an investigational drug under this section or for discontinuing any such access that it initially determined to provide.

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the right of any person to bring a private action against a manufacturer or sponsor (or their agent or representative), physician, clinical investigator, hospital, prescriber, dispenser, or other entity under any State or Federal product liability, tort, consumer protection, or warranty law.

''(B) FEDERAL GOVERNMENT.—Nothing in this section shall be construed to modify or otherwise affect the authority of the Federal Government to bring suit under any Federal law.''.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BURGESS) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 5247.

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

There was no objection.

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

Mr. Speaker, earlier this year, Members of Congress heard the President during his State of the Union Address make a specific promise to the American people that the passage of right-to-try legislation would occur. This afternoon, I am proud to stand with the President and the thousands of Americans with terminal illnesses, their families, and their friends, in passing this important bill in the House.

Since 2014, nearly three out of four States, including my home State of Texas, have passed a version of right-to-try laws. I am pleased that the House is again considering H.R. 5247, the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018, so that terminally ill patients have a chance, or maybe a second chance, at life. These patients are our constituents. They could be someone we know. Let us take this opportunity to improve access to experimental treatments for them.

Over the course of the past decade, our Nation has achieved an unprecedented number of innovations and scientific breakthroughs. Through the contributions of researchers in academia and the private sector, Americans have more innovative treatments at their fingertips.

Despite these achievements, I still hear from patients with serious, life-threatening conditions, including my own constituents in north Texas, who are frustrated with what they see as regulatory barriers from trying new therapies when everything else has failed.

Mr. Speaker, as a physician, I understand that access to investigational drugs and therapies is a deeply personal priority for those seeking treatment for their loved ones with serious, life-threatening conditions.

To my friends on the other side of the aisle, I have a simple question: Why do you not want to allow these patients to exercise their right to fight for their future?

It is worth mentioning that the bill before us today is a revised, more narrowly crafted version of the one that passed the Senate last August. Since that time, the Energy and Commerce Subcommittee on Health held a hearing in early October to consider the Senate bill, where Members heard from

the Commissioner of the Food and Drug Administration, Dr. Scott Gottlieb, about the agency's concerns. We also heard testimony from patients and groups that support and oppose right to try.

From then to just recently, our committee engaged in multistakeholder efforts to improve the original right-to-try bill, as passed by the Senate. It entailed numerous conversations with patients, advocates, the Administration, authors of the bill, and stakeholders on all sides of this complex topic.

The Food and Drug Administration was never left out of the discussion. In fact, the agency provided valuable input throughout the process and up until the introduction of H.R. 5247. The aim was to open the door to innovative, experimental drugs for terminally ill patients without necessarily compromising the vital work and the mission of the Food and Drug Administration.

The current compassionate use program at the Food and Drug Administration does make a good faith effort to help patients who do not qualify for clinical trials. But right to try would actually offer patients an alternative pathway to access eligible investigational drugs, so long as they are certified by a physician who is in good standing and abides by the rules laid out in the bill.

Again, we have worked closely with the Food and Drug Administration to ensure that this new, alternative pathway does not hinder or conflict with the critically important oversight that the agency conducts.

Additionally, this bill protects patients from manufacturers mislabeling or misbranding drugs, requires sponsors and manufacturers to report adverse events to the Food and Drug Administration, and provides certain liability protections for parties participating in the new pathway.

Mr. Speaker, this alternative pathway would also be limited to individuals who are suffering from a disease or a condition where there is a reasonable likelihood of death within a matter of months or significant, reversible morbidity, and who have exhausted all FDA-approved treatment options.

Lastly, it is essential that we do not create additional hurdles in this process so that manufacturers in the drug approval process have the certainty that they need.

The revised right-to-try bill clearly states that the Secretary of the Department of Health and Human Services ''may not use a clinical outcome associated with the use of an eligible investigational drug . . . to delay or adversely affect the review or approval of such drug. . . . ''

After months of work and thoughtful discussions, this legislation is a positive step forward in our shared goal of improving care for America's patients. It strikes the proper balance between ensuring patient safety and granting access to new treatments.

The President outlined in his State of the Union Address that this was an important priority for the administration. In the words of our Vice President and former colleague, MIKE PENCE: ''It's about restoring hope and giving patients with life-threatening diseases a fighting chance.''

Mr. Speaker, for these reasons, I urge my colleagues in the House to vote in support of H.R. 5247, and I reserve the balance of my time.

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

Mr. Speaker, I rise today to voice my strong opposition to H.R. 5247, the Right to Try Act of 2018.

This legislation, introduced only last week, is an egregious attempt, in my opinion, by the Goldwater Institute to undermine the gold standard drug approval process at the Food and Drug Administration.

The supporters of this bill claim to be helping desperate patients who are looking for hope.

If this is such a patient-centered bill, then why does every major patient organization overwhelmingly oppose it?

More than 100 patient organizations, including the National Organization for Rare Disorders, the Friends of Cancer Research, and the American Cancer Society have all written in opposition to this legislation.

In a letter to congressional leadership, these 103 patient organizations noted ''that the alternative pathway in the latest version of this legislation is still less safe for our patients than the current expanded access process under the FDA.''

It is not only the patient organizations that are voicing concerns. Four former FDA Commissioners—Drs. Hamburg and Califf, who served under the Obama administration; and Drs. McClellan and Andrew von Eschenbach, who served under the Bush administration—also oppose this legislation. That is two former Republican Commissioners and two former Democratic Commissioners who are opposed to both the House bill and the Senate bill on this same issue.

These four Commissioners explained their opposition by saying: ''There is no evidence that either bill would meaningfully improve access for patients, but both would remove the FDA from the process and create a dangerous precedent that would erode protections for vulnerable patients.''

Mr. Speaker, I think most importantly, I would stress that this legislation is simply not needed. There is already a successful program in place today at the FDA in which seriously ill patients and their doctors can request access to an experimental treatment from a manufacturer. This application process, which takes as little as 45 minutes for a physician to complete, has been overwhelmingly successful.

Last summer, a review by the Government Accountability Office found that the FDA approves 99 percent of the requests submitted to the agency. In fact, of the nearly 1,700 requests the FDA received last year, only 9 were not approved.

Physicians and patients also receive approval quickly. Emergency requests are often granted immediately over the phone and, on average, receive a response within 4 days.

While the FDA approves 99 percent of the treatments it reviews through this expanded access process, as it is called, it also adjusts applications for 11 percent of the patients to improve patient safety protections.

In order to protect patients, this review, in my opinion, should continue. We must protect patients from bad actors or from dangerous treatments that might make their lives worse. Just imagine the health consequences to patients if these 11 percent of applicants had not been adjusted.

This is the very reason that the FDA must be involved in the process. If you eliminate FDA review, as this bill does, you are putting patients at risk.

I want to talk a little bit about the fact that many States now have right-to-try statutes. I fear that some Members—and I heard this last week when the bill was on the suspension list—might support this legislation under the false belief that the State right-to-try laws in their States have provided help to patients. But nothing could be further from the truth.

One example supporters of this legislation like to bring up is Dr. Delpassand from Texas, who claims to have treated patients under the State right to try.

Mr. Speaker, I include in the RECORD a letter from Mr. Andrew McFadyen of The Isaac Foundation, who dispels this myth.

THE ISAAC FOUNDATION,
March 20, 2018.

Rep. GREG WALDEN, *Chair,*
Rep. FRANK PALLONE, *Ranking Member,*
Energy & Commerce Committee.

DEAR MR. PALLONE AND MR. WALDEN: I am writing to you regarding your upcoming debate on HR 5247, the Right to Try initiative fronted by the Goldwater Institute. I am the Executive Director of The Isaac Foundation, an organization that is dedicated to providing advocacy and support to patients dealing with a wide range of disorders and needing access to rare disease treatments. Our work pushes international boundaries, with the bulk of our efforts taking place in Canada and the United States. I am also a member of the NYU Working Group on Compassionate Use and Pre-Approval Access where we are making a concerted effort to improve and address the issues around access to experimental medications, and I'm involved with a non-profit called GE2P2.

I'm proud to say at The Isaac Foundation that we've never been unsuccessful gaining access to life-saving medications and treatments for patients in Canada, and our work directly with pharmaceutical companies is helping countless patients see similar results in the United States. We have had success by being collaborative partners with industry, regulatory authorities, and patients in need.

I watched the discussion last week with growing consternation that many of our elected officials have not taken the opportunity to fact-check claims being made by RTT proponents. Most notably, continued mention of Right to Try being used by Dr.

Delpassand out of Texas is both egregiously wrong and, indeed, is the perfect example of why RTT should not be passed by lawmakers.

In October 2016, I testified during Senator Ron Johnson's hearing on Right to Try, at which Johnson introduced and played a video created by the Goldwater Institute of Dr. Delpassand. During that 3-minute video, Dr. Delpassand explained that he was using the state RTT law to treat his patients because the FDA would not allow him to do it through an Expanded Access Program. Senator Johnson asked me what I thought about this video—which included few facts, no context, and was edited by the people fronting the RTT push themselves. I explained that there must be a reason why Dr. Delpassand was in the 1% of cases not allowed by the FDA and vowed I would investigate.

In March of 2017, I received a set of documents from the FDA under a FOIA request. They show that Dr. Delpassand's clinic failed inspections during the clinical trial of Lutathera (lutetium Lu 177 dotatate). Specifically, he failed inspection due to 3 key and very important reasons:

1. Enrolling subjects into the study during a partial clinical hold, issued by the Agency.
2. Underreporting of Adverse Events.
3. 1572-protocol noncompliance.

The failed inspections were discovered after complaint from the CDER Good Clinical Practice Compliance Oversight Branch, Division of Good Clinical Practice Compliance Evaluation, Office of Scientific Investigations (OSI). A ''Clinical Hold'' was placed on the lab and Dr. Delpassand. During a clinical hold, subjects may not be given an investigational drug. Dr. Delpassand and his clinic disregarded this clinical hold and enrolled 6 patients.

Additionally, and just as concerning in terms of patient safety, Dr. Delpassand's clinic failed to promptly report significant new adverse events or risks to the FDA. This failure to report was noted numerous times during the inspection. The inspection also found numerous other areas of concern. I have attached the full report for your consideration.

After these inspections, the FDA would not allow Dr. Delpassand to open an EAP at his clinic for patients in need, and rightly so. They FDA did, however, allow 42 different locations the ability to provide this drug for patients requiring access, including two sites in Texas. A quick search on ClinicialTrials.gov shows this information, further proving that the FDA has been able to provide patients the required access they need, ensuring the environment that they are receiving the drug they need is safe.

My understanding of the situation is that the company running the clinical trial distanced themselves from Dr. Delpassand after these failed inspections. Without company support, and without the FDA's permission to open an EAP, Dr. Delpassand had to use the state legislation to provide drug to his patients. Questions remain, however, such as how Dr. Delpassand paid for the product he was giving his patients, did patients themselves have to pay for that drug supply (which isn't allowed under the Texas RTT law) and who, if anyone, was overseeing the program to ensure safety of the patients, especially after multiple infractions were seen during the failed FDA inspection.

Most important, it should be noted that the FDA process here worked exactly how it is supposed to. A lab was inspected for safety to ensure patients are looked after in the appropriate fashion. That inspection placed a hold on further treating of patients due to numerous infractions. The FDA worked with the company to ensure access for patients across the USA in 42 different sites, helping to monitor adverse events while also allowing the product to advance to approval. That product was approved by the FDA in January 2018.

Also importantly, RTT was used because it was the only way for Dr. Delpassand to treat patients in his clinic after it failed inspection. RTT is a loophole designed to allow people who cannot otherwise follow safety rules set forth by the FDA that are meant to protect vulnerable patients. It's not being used—anywhere—to provide patients with hope or access to life-saving drugs.

One final note, and one that I've not see mentioned anywhere. HR 5247 includes the name of a young child—a brave child battling Duchenne Muscular Dystrophy—named Jordan McLinn. Jordan has been photographed numerous times with Vice President Pence, and is often used as an example of why Right to Try is needed. The problem with these optics is that Jordan has never received any treatment under Right to Try, even though Right to Try has been available in his state of Indiana for 3 years. He already has access to the life-saving treatment he needs—through an FDA approved clinical trial. He's doing well on that trial drug, as I understand it, and receives all the benefits of FDA oversite to ensure his safety on that trial. In essence, the child used to promote RTT is the perfect example of why the FDA process works and is needed.

The true reality is that the landscape for access to medications for dying patients does not change tomorrow if a Federal Right to Try law is passed today. Very clearly, those patients in dire need of help today will wake up tomorrow needing access to the same life-saving treatments, and feel the same despair because they will not be getting the access they need through Right to Try.

The barrier to that access here isn't the FDA, and no Right to Try law enacted by lawmakers in this country is going to remove the true barrier—pharmaceutical companies. The gatekeepers to these medications are the pharmaceutical companies themselves, and we need to be working collaboratively as a team—Industry, Government, physicians, and Patients—to craft solutions that will work for everyone, keeping in mind that we are all on the same side, that we all want the same thing—broad and expeditious access to life-saving medications for patients in need.

I understand how difficult this is for patients—I see it every day, and I feel it every night as I check in on my son (who is battling his own devastating and very rare disease) to make sure he is still breathing, to make sure he is still with us. But I also understand that the change we all need will not come with Right to Try. It will come through collaboration with all stakeholders and by providing companies the safety and assurances they need to make their medications available to our dying patients.

Lawmakers should be spending their time helping make that collaboration happen because that is how we are going to save our dying patients. They should not spin their wheels passing legislation like Right to Try that looks good, and feels good, but will do nothing for those in need. If they do, they are doing a disservice to a large and very vulnerable group of patients now and in the future, my own son, my own hero Isaac, included.

Thank you for your time on this matter.

Sincerely,

ANDREW MCFADYEN,
Executive Director, The Isaac Foundation.

Mr. PALLONE. Andrew McFadyen said:

Dr. Delpassand claims to have used right to try because FDA would not allow him to do expanded access. And this was for a very good reason. FDA placed a clinical hold on a study, due to the fact that his clinic was not reporting serious, adverse events, as required; and he continued to enroll patients, despite the clinic hold.

The work of Dr. Delpassand's study was associated with 40 deaths and 2 hospitalizations. FDA's clinical hold on Dr. Delpassand's work is a sign to me that FDA's expanded access pathway was working to prevent bad actors from continuing to expose vulnerable patients to experimental treatments.

Mr. Speaker, H.R. 5247 is dangerous for our patients. It is an unprecedented attempt to roll back the FDA's oversight of investigational treatments. I urge my colleagues to stand with more than 100 organizations that have come forward to oppose this misguided and, I believe, harmful legislation.

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

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), one of the authors of the bill.

Mr. FITZPATRICK. Mr. Speaker, I want to thank Chairman WALDEN, Mr. BURGESS, Mr. GRIFFITH, and my friends ANDY BIGGS and Senator JOHNSON for their unflinching commitment to see right to try debated, passed, and signed into law.

Moreover, I thank the overwhelming bipartisan majority of the House, who, just last week, supported the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act, and proved emphatically that right to try is about more than politics. It is about hope.

Each year, thousands of Americans receive a life-altering diagnosis of a terminal illness. Even with the amazing work done in American medical research and development, for too many families, access to these potentially lifesaving treatments will come too late or not at all.

□ 1315

As their Representatives, we should each endeavor to support these individuals in their time of need, as well as support new pathways to potentially lifesaving treatment. That is what right to try is all about.

For those patients caught between traditional drug approval delays, a clinical trial process for which they do not qualify and limited time, right to try simply establishes the freedom for patients and their doctors to try therapies where the benefits far outweigh the risks. It gives them the option of trying to save their life.

Although the FDA has a program that allows terminal patients to apply for early access to a promising treatment, right to try is needed because the FDA compassionate use process doesn't help enough people. Moreover, the application process is complicated, time consuming, and expensive. Only about 1,200 people each year can make it through the application process.

In 2014, more than 12,000 people in France were using investigational

treatments through that government's equivalent program. If a country with one-fifth the population of the United States can help 900 percent more people then the FDA's plan, clearly, is not working.

In Australia, doctors are allowed to work directly with drug and device manufacturers to provide investigational treatments to terminal patients without the government's approval. They simply must report to the government at some point that the patient received the drug. No permission slip is required.

This bill requires robust informed consent between the patient, doctor, and manufacturer, while requiring notification be given to the FDA after an unapproved drug becomes available to an eligible patient and requires doctors and manufacturers to report adverse events to the FDA.

Mr. Speaker, when a life hangs in the balance, the Federal Government should not stand in the way of access to these potential treatments. I have traveled our district in all corners and have met so many different people—L.J. Kidon and Claire Concilio, most recently. Mr. Speaker, these people are an inspiration for this bill. They want to see this bill passed. Let's get this done for them.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who is the ranking member for the Digital Commerce and Consumer Protection Subcommittee.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for his generosity and time.

I want to say, Mr. Speaker, that I rise in opposition to H.R. 5247 because it creates a dangerous back door for modern-day snake oil salesmen, a back door around the FDA approval process for people who may or may not be preying on desperate people, and it ignores that there actually is a safe pathway for terminally ill patients to get treatment.

This bill failed to pass last week and it should fail again. It is a harmful policy that both Republican-and Democratic-appointed former FDA Commissioners concluded there is ''no evidence'' that this bill ''would meaningfully improve access for patients, but would just remove the FDA from the approval process and create a dangerous precedent that would erode protections for vulnerable patients,'' the most vulnerable patients. People whose lives are in danger feel that they will try anything, and there are people out there who will prey on that.

This bill denies patients what they really need, which is safe and effective treatments. This bill strips away important safeguards in the name of helping patients, but it does not, and that is why 78 patient groups and doctors, groups like the American Cancer Society, the Cystic Fibrosis Foundation, and the Leukemia & Lymphoma Society, oppose this bill. In total, there are now 110 groups opposing this bill.

Mr. Speaker, I include in the CONGRESSIONAL RECORD a multipage list of opponents to this bill.

GROUPS OPPOSED TO RIGHT TO TRY LEGISLATION

ADNP Kids Research Foundation; AIDS Action Baltimore; Alliance for Aging Research; Alliance for Regenerative Medicine; American Academy of Neurology; American Association of Justice; American Cancer Society Cancer Action Network; American Lung Association; American Society of Clinical Oncology; American Syringomyelia and Chiari Alliance Project; Amyloidosis Support Groups; Association for Creatine Deficiencies; Benign Essential Blepharospasm Research Foundation; Biomarin; Bonnie J. Addario Lung Cancer Foundation; Breast Cancer Action; Bridge the Gap—SYNGAP Education and Research Foundation CancerCare; Cancer Prevention and Treatment Fund; Charlotte and Gwenyth Gray Foundation to Cure Batten Disease.

Children's Cause for Cancer Advocacy; Children's Cardiomyopathy Foundation; Congenital Hyperinsulinism International; CurePSP; Cutaneous Lymphoma Foundation; Cystic Fibrosis Foundation; Defeat MSA; The Desmoid Tumor Research Foundation; The Disability Rights Legal Center; Dupl5q Alliance; Dysautonomia Foundation; Equal Access for Rare Disorders; Fight Colorectal Cancer; FORCE: Facing Our Risk of Cancer Empowered; Former FDA Commissioner Margaret Hamburg; Former FDA Commissioner Robert Califf; Friedreich's Ataxia Research Alliance (FARA); Friends of Cancer Research; Georgia State University College of Law; The Global Foundation for Peroxisomal Disorders.

Glutl Deficiency Foundation; The Guthy-Jackson Charitable Foundation; Hemophilia Federation of America; Hematology/Oncology Pharmacy Association; HLRCC Family Alliance; Hope for Hypothalamic Hamartomas; Hyper IgM Foundation, Inc.; International Fibrodysplasia Ossificans Progressiva (FOP) Association; International Myeloma Foundation; International Pemphigus and Pemphigoid Foundation; International Society for Stem Cell Research; International Waldenstrom's Macroglobulinemia Foundation (IWMF); The Isaac Foundation; Jack McGovern Coats' Disease Foundation; The LAM Foundation; The Leukemia & Lymphoma Society; Lymphoma Research Foundation; Li-Fraumeni Syndrome Association (LFS Association/LFSA); LUNGevity Foundation; Max Cure Foundation.

M–CM Network; Mattie Miracle Cancer Foundation; MitoAction; MLD Foundation; Moebius Syndrome Foundation; The MSA Awareness Shoe; Mucolipidosis Type IV Foundation; The Myelin Project; Myotonic Dystrophy Foundation; National Brain Tumor Society; National Coalition for Cancer Survivorship; National Comprehensive Cancer Network; National Consumers League; National Health Council; National MPS Society; National Niemann-Pick Disease Foundation; National Organization for Rare Disorders (NORD); National Patient Advocate Foundation; National Physicians Alliance; National PKU Alliance.

National PKU News; National Women's Health Network; Neurofibromatosis Northeast; NYU Langone Health; Operation ASHA; Our Bodies Ourselves; PRP Alliance, Inc.; Prevent Cancer Foundation; Public Citizen; Rare and Undiagnosed Network (RUN); Sarcoma Foundation of America; Scleroderma Foundation; The Snyder-Robinson Foundation; Sofia Sees Hope; SSADH Association.

Susan G. Komen; TargetCancer Foundation; Treatment Action Group; The Turner Syndrome Society; TMJA (Temporomandibular Joint Disorders patient organization); United Leukodystrophy Foundation; United Mitochondrial Disease Foundation (UMDF); University of Pennsylvania Perelman School of Medicine; Veterans Health Council; Vietnam Veterans of America; VHL Alliance; Washington Advocates for Patient Safety; Woody Matters; Worldwide Syringomyelia & Chiari Task Force; Yale School of Public Health.

Ms. SCHAKOWSKY. Mr. Speaker, it opens the door for bad actors to take advantage of terminally ill patients. It is the FDA's job to ensure that drugs are safe and effective, and we can't trust manufacturers to act as this gatekeeper.

There is already a safe process for terminally ill patients to access experimental treatments. Under what is called the expanded access program, 99 percent of applications are approved. The expanded access program plays a vital safety role.

I am very troubled by what can happen to patients in some States who undergo treatment from right-to-try companies. In 19 States, patients using an investigational drug could actually lose their hospice coverage; in 6 States, they could be denied home care coverage. These are the very people who are dependent on hospice and home healthcare, and this bill would cause them to lose that coverage.

This is not a humane, patient-centered bill for people who are facing death; it is just a dangerous pathway for bad actors to exploit those very people.

Mr. Speaker, I urge my colleagues to oppose H.R. 5247, and, again, I thank the gentleman for the opportunity to speak against this piece of legislation.

Mr. BURGESS. Mr. Speaker, at this time, I am pleased to yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN), the chairman of the full committee.

Mr. WALDEN. Mr. Speaker, I rise today on behalf of the patients, the patients who face terminal diagnoses but have exhausted all available known treatment options.

Before us today we have legislation that received 260 bipartisan votes last week; that was nearly 260 votes to increase patient access to investigational drugs through a new pathway.

I want to thank Dr. BURGESS for his incredible work on our Energy and Commerce Committee to do our due diligence, to take an issue that is important to our citizens and our colleagues and make sure that it has been properly vetted, reviewed, and improved upon from what we got from the Senate.

Mr. Speaker, 38 States have right-to-try laws, including my own State of Oregon. This is something that people want and deserve. Wisconsin will make it number 39 once the bill they have passed gets across Governor Scott Walker's desk.

While the State policies vary, they have a common goal, and that is helping vulnerable patients. President Trump praised the movement during

the State of the Union, saying: ''People who are terminally ill should not have to go from country to country to seek a cure—I want them to have a chance right here at home.''

I have spoken to the President directly about what we are doing here, and he gave me a shout-out when he was up in New Hampshire the other day about moving this bill forward. We worked closely with the Vice President and his team and with Scott Gottlieb, who is the doctor who heads the FDA, the Food and Drug Administration, to get a really good, thoughtful product before this House, and they support what we are doing here. President Trump also highlighted this bill, as I said, when he was in New Hampshire.

It is important to note that this isn't the first time we have considered this bill. As you may know, last week, we tried to move this on the suspension calendar, never imaging that the Democrats would actually whip against giving dying patients the right to try one of these drugs. We had 32 Democrats support this legislation, and that is why we brought it back under regular order in a rule today.

Now, today, there is an existing process, and you have heard about it—and we looked at this in the committee—for patients to access unapproved drugs. The FDA oversees expanded access, commonly known as compassionate use. This program has been critical in helping patients access experimental drugs. It does work.

Commissioner Gottlieb and the agency should be commended for their continued work to improve the expanded access program for patients. As you have heard from my colleagues on both sides of the aisle, this program works, and works effectively, but it doesn't do it all, and that is why this legislation is before us.

To improve upon this successful program, the bill before us today provides liability protections for manufacturers, sponsors, physicians, clinical investigators, and hospitals that participate in the existing expanded access program and the new alternative pathway that we create under this legislation.

This was a very big issue for those who needed to be brought into participation who otherwise might have sat on the sidelines and never made these drugs available. This provision removes one of the biggest hurdles that patients face and that was identified by the Government Accountability Office; it is the biggest hurdle they face in getting access to experimental therapies: manufacturers' hesitancy to participate. That is the hurdle we are trying to overcome today in a safe way.

The bill also creates a new alternative pathway for patients who do not qualify for a clinical trial. This legislation strengthens patient protections with clearer informed consent and adverse event reporting. The bill also ensures the FDA is notified when a patient receives an unapproved drug through the new alternative pathway to ensure proper oversight.

Mr. Speaker, I want to thank my colleagues in the House, and especially Dr. BURGESS on the Health Subcommittee, but also Representative BRIAN FITZPATRICK; ANDY BIGGS, who is behind me; MORGAN GRIFFITH; and our Vice President, MIKE PENCE. I am grateful for their work and for their understanding that our job here in the House is to do our work: to hear from people who are affected or might be affected, to improve upon products, to go through regular order, and to bring this bill to you today.

Mr. Speaker, I urge all of my colleagues in the House to support this legislation.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in opposition to H.R. 5247, the so-called right-to-try legislation. This bill does not give patients the right to try; rather, it gives patients the right to request, which fails to address real barriers to accessing experimental drugs such as drug costs or company restrictions.

I will reiterate that patients already have the right to try through an expedited process that approves 99 percent of requests it receives. This legislation, however, fails to recognize that, if a patient is denied access, it is usually because a drug manufacturer says no due to manufacturer concerns about safety or side effects, not because the FDA denied a request.

I know, like everyone else, I have heard from many constituents suffering from terminal illnesses such as ALS who are desperate for cures; and I believe that every single one of us in this Chamber has confronted, in some way, a family member—mother, father, spouse—who had, heartbreakingly, an illness that had no cure. We have gone through the process many times, and I think we all have felt desperate from time to time.

However, having said that, just because a person at the end has no hope, to try something that might make things worse so you cannot go on to a more peaceful resolution would be hurtful not only to the patient, but to the family.

Opening up unregulated pathways to drugs after only a phase 1 clinical trial may expose patients to severe and unpredictable side effects. This bill would prevent FDA from documenting these side effects and, worse, would prevent FDA from protecting other patients from a similar fate.

When a loved one is in pain, the last thing a family wants is to cause further suffering. We need clinical trials to ensure drugs are safe and effective and to find real cures for patients, and we need the FDA to be a part of the process as a matter of patient protection for all.

Rescinding any FDA oversight on unproven therapies that have not undergone multiple clinical trials is a slippery slope. The expedited process we have now is working, and I cannot support a bill that offers a ''right to ask'' alongside proposals that could be dangerous for all.

Mr. Speaker, I urge my colleagues to oppose this bill.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. GRIFFITH), a valuable member of the Energy and Commerce Committee, the vice chairman of the Oversight and Investigations Subcommittee.

Mr. GRIFFITH. Mr. Speaker, I have heard people say that they don't want to support a bill that makes things worse. We have people who are terminal, whose life expectancy is measured in months, not in decades, and how do you make things worse?

I said last week, and I repeat it today, that if I—if, and I am not, thank God—but if I were faced with one of these heart-rendering situations, I would take any risk, including injecting monkey urine, if that meant I could spend a few more days, months, or years with my children.

□ 1330

I think many people are in that same boat, and the American people deserve a right to try. When we were doing our hearings on this, we had an Energy and Commerce Subcommittee on Health hearing where Lieutenant Commander Matthew Bellina, who graduated from Virginia Tech in my district and served in the United States Navy, testified before us. He said, in the conclusion of his comments: ''I know that it is probably too late for me, and I have made my peace with that. I need to know before I die that, if my children find themselves in this unenviable position, this Nation that I proudly served will respect their liberties and their right to make their own decisions about their medical treatments.''

He suffered from ALS, as I said. I have had three friends during my lifetime die of that: Ray Robrecht, my predecessor a couple terms back in the Virginia House of Delegates; Julie Mullins, whose family I have known for decades; and Mike Ahern, who was connected with the United States Senate through his sister. All of these folks were people who lived in Salem County or Roanoke County, and they all died from ALS. They were all brave people. They should have had the right to try to see if they could make an improvement for others.

Even more poignant are my family friends who lost both a grandparent and their mother to Huntington's chorea. I was their family lawyer. I did their will. I would like to believe, and I know they would have liked the option, that their mother would have chosen the right to try, knowing that, even if it failed, it might help another generation because, as you know, Huntington's chorea is a genetically transmitted disease.

So I do not understand why people are afraid of letting people try who have no other hope, whose life is going to be cut short, without taking that Hail Mary pass. And so I hope that everyone will support this reasonable, measured effort to let people have a choice and a right to try.

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

Mr. Speaker, I want to explain some other reasons why I am very opposed to this bill. I am concerned that H.R. 5247 essentially does nothing to address what may be the true barrier to expanded access, and that is the determination by the manufacturer as to whether or not they will provide access to their product that is under development. And I want to stress, there is nothing in this legislation before us today that would compel a manufacturer to grant access upon request.

Further, I believe that trusted manufacturers like J&J, or Johnson & Johnson, which is headquartered in my district, have already said that any compassionate use request must be subject to FDA review. Now, I have heard my colleagues refer to this as a Hail Mary pass for the terminally ill. I think, in reality, it is offering false hope of a cure to patients and their families when there is no guarantee that any patient will receive access to treatment from a manufacturer.

In fact, H.R. 5247 sets an extremely low threshold for the types of experimental treatments that may be available through this alternative pathway by allowing patients access to investigational treatments that have only completed a phase 1 clinical trial. Patients will be exposed to treatments with no or relatively little data that they are actually effective. These extremely small trials only examine the safety and toxicity of a drug and do not determine the effectiveness or potential side effects. Access at this phase 1 stage in the development could expose patients to untested products and further harm and result in delaying access to a treatment that may be more appropriate and more beneficial for their underlying disease or condition.

Only 1 in 10 products move on from phase 1 clinical trials to FDA approval. Mr. Speaker, the bill does not make any adverse-event reporting to the FDA immediate. It also limits FDA's ability to use clinical outcomes associated with the use of an investigational product when reviewing a product for approval if it could adversely impact its review. It also prevents any entity from being held liable for use of the treatment.

Again, these are some of the many reasons that more than 100 organizations oppose this dangerous bill.

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

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Indiana (Mrs. BROOKS), another valuable member of the Committee On Energy and Commerce and the Subcommittee on Health.

Mrs. BROOKS of Indiana. Mr. Speaker, the right-to-try legislation will be considered on the House floor today. This is about giving people hope to try. It is about hope to try investigational drugs which have passed the first of three phases of the FDA clinical trial process, the safety testing phase. And these investigational drugs could possibly prolong or save the lives of terminally ill patients.

I like to remind my colleagues that a little boy was in Washington, D.C., on the House floor just last week when we first voted on this legislation. Prior to that vote, I had met Jordan during an Energy and Commerce Committee hearing focusing on the implementation of the 21st Century Cures Act.

Jordan McLinn is a second grader from Indianapolis who may look like any other healthy child, but he has Duchenne muscular dystrophy, or DMD, a fatal, degenerative condition which causes muscle weakness. DMD is caused by an absence of dystrophin, a protein that helps keep muscle cells intact. Oftentimes, kids born with DMD are wheelchair-bound by age 12, and they have a life expectancy of just 25 years old.

DMD is a genetic disease that is typically passed on to boys through their mother's X chromosome. But sometimes the mother is not a carrier, there is no family history of the disease, but a child is born with the disease anyway. This is what happened to Jordan McLinn. His mother, Laura, is not a carrier. This disease does not run in their family.

Jordan was born with DMD, but it was not diagnosed until he was 4 years old. So can you imagine what this family has been through? After Jordan was diagnosed, his family hit the ground running, trying to find the best possible treatment options and therapies for people with DMD. His mother, Laura, was quoted in The Indianapolis Star today in an article focused on the right-to-try bill saying: ''The reason we have remained on this journey and fighting so hard for it is not necessarily for Jordan immediately. It's for all the patients that we've met along the way.''

Jordan and his family have been on this journey advocating this fair and compassionate bill in Indiana and beyond for Jordan but also for so many others. In 2015, then-Governor MIKE PENCE signed Indiana's right-to-try law with Jordan McLinn by his side. Now a total of 38 States have already passed laws that take a variety of approaches to helping vulnerable patients. By passing this legislation in the House today, we will increase access—nationwide—to unapproved, investigational drugs for patients with a terminal illness.

In that same IndyStar article I mentioned earlier, Laura shared that Jordan has always wanted to be a firefighter, but now, after coming to the Nation's Capital many times, he has aspirations to be something else. He now wants to be President of the United States. This bill allows Jordan to have those big dreams, and it will be providing patients across this country with hope.

Yes, it is hope, hope for patients that they may find the cure someday that they have been searching and fighting for, hope for patients and their families that there will be more time to make more memories that can last a lifetime.

In closing, I would just like to emphasize how critically important it is that Congress join together to support the bill for the millions of Americans who fight for their lives because of a terminal illness. I urge my colleagues to support this bill.

Mr. PALLONE. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman from New Jersey has 15½ minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), the ranking member of the Health Subcommittee.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my ranking member for yielding to me. I rise in opposition to the right-to-try legislation that would bypass the Food and Drug Administration's longstanding review and oversight of drug treatments and endanger patients with life-threatening diseases.

Many States have passed this right-to-try piece of legislation, including my home State of Texas, but the States don't have the FDA. The Federal Government has the right to be able to make sure we can protect both constituents and consumers. My heart goes out to the loved ones who are terminally ill and desperate for a breakthrough treatment. I cannot support legislation that offers false hope to the terminally ill and their families.

The FDA has a pathway whereby those in need of investigational medications may seek to obtain them. This program is known as the expanded access pathway, or compassionate use, and has been in the law since 1987. Over the last decade, the FDA has a clinical hold on only two commercial drug development programs due to adverse events associated with compassionate use.

There are many patient advocacy groups that are opposing this legislation. Groups such as the Alliance for Aging Research, the American Cancer Society Cancer Action Network, American Lung Association, the American Society of Clinical Oncology, the Cystic Fibrosis Foundation, Defeat MSA, the Disability Rights Legal Center, and dozens more that are committed to seeking effective treatment cures to many diseases which are terminal, are against this bill. These patients' rights groups seek to ensure that the medication that is offered to individuals is safe, has been tested, and has gone

through the proper approval process before it is given to a patient.

The most vulnerable and terminally ill individuals deserve to have access to safe therapies that have undergone the necessary approval process before being given to those who can least afford to receive unproven treatment that may do them more harm than good. In addition to the physical harm which unproven treatments may cause, there is also the risk of financial exploitation of terminally ill patients given that such treatments are not covered by insurance. Manufacturers are not required to cover the cost of investigational treatment.

The majority's decision to go around our committee's consideration and effort to pass the bill on suspension last week exemplifies what this legislation is trying to do, circumvent existing rules and processes that have been created to protect Americans from hasty decisions.

I ask my colleagues on both sides of the aisle to stand up for Americans facing serious and life-threatening diseases by opposing this unnecessary and potentially dangerous legislation.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. BIGGS), one of the primary drivers on this legislation.

Mr. BIGGS. Mr. Speaker, I thank the gentleman from Texas for yielding. I also pay my respects and give honor to RON JOHNSON, the Senator from Wisconsin who championed the bill in the Senate and gave us a superb bill; also, Chairman WALDEN and his committee, who have worked hard to give us this bill today; and my original cosponsor on the bill that I introduced, Mr. FITZPATRICK from Pennsylvania.

Mr. Speaker, I want to address just a couple of things that I think are really intriguing to me because it certainly seems a bit condescending to me when I hear people say: I am not going to support this because it gives false hope that people might be taken advantage of by bad actors. They cannot identify the bad actors, but they might be taking advantage of them. That is a fallacious and specious argument to make when you are denying people who have a terminal illness, who have been diagnosed with a terminal illness, who have gone through the already approved FDA processes in order to get and petition a pharmaceutical company for an experimental drug that might prolong their life and might heal them.

False hope, that argument, is the argument that I am hearing. But the reality is these people are individuals. They have a higher sense of reality than virtually anybody else I know because their mortality is there. They want the opportunity. It is not false hope. It is hope. Support of this bill is compassionate. Support of this bill is fair.

I have also heard that there may be some liability issues on the part of pharmaceutical companies which might impede them from providing drugs. Yet, in order to satisfy them, the bill itself says that they are exculpated unless their conduct is willful or criminal. That means that they have protection.

What I am asking here today, and what everyone with whom I have met over the years who want a right to try is asking, is simply a chance to have some determination and control over their own lives.

□ 1345

One of the intriguing arguments I hear today and I heard last week is, well, you know what, the pharmaceutical companies aren't compelled to provide these drugs. So my immediate question is: Oh, so you would be more comfortable, then, if we would have included a compulsory means in the bill? Did you want the pharmaceutical companies to be compelled to provide these?

The answer would be no. It is simply they don't like this bill. They don't want the bill.

When you have 38, soon to be 39, States that want to give their citizens, Americans all, the right to try to preserve their lives and to be healed and have a chance, they need to get that; they need that opportunity. We need to give it to them today.

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

Mr. Speaker, there has been a lot of misinformation spread by supporters of this legislation that FDA is a barrier to patients receiving access to these investigational treatments, and I want to be very clear that that is simply not the case.

FDA's expanded access program approves nearly all requests for investigational drugs or biologics it receives. For the past 5 years, FDA's approval rate for expanded access requests has been over 99 percent. In fiscal year 2017, as I previously mentioned, only nine individual requests were denied.

FDA also conducts its review quickly. FDA physicians are available 24 hours a day to approve any emergency expanded access requests the agency receives, typically granting emergency requests immediately, over the phone, and nonemergency requests in a median time of 4 days and, generally, no longer than 30 days.

FDA has also taken actions to streamline the expanded access request process for physicians to make it less burdensome. I think that was mentioned by Mr. WALDEN, the chairman.

Pharmaceutical companies can choose to deny a patient access to an experimental treatment because, for example, there is not enough of the drug available or they are concerned about dangerous side effects. The fact is, when a patient is denied access to an experimental treatment, it is because the company has said no, not the FDA.

So let's be clear as to what this legislation is. It is an attempt to undermine the authority of the expert public health agency charged with reviewing drugs to ensure their safety and efficacy.

I would urge my colleagues to oppose this grab at FDA's authority. That is really what this legislation is all about.

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

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise today to encourage my colleagues to join me in supporting H.R. 5247, the Right to Try Act, and I thank Dr. BURGESS and the Energy and Commerce Committee for bringing this important legislation to the floor of this House.

In certain States across our Nation, patients who are diagnosed as terminally ill are being told by doctors that all of the treatment options have been exhausted because they do not have access to experimental drugs. This type of overregulation by the Federal Government is creating hopeless situations for thousands of Americans whom we hold dearest to our hearts.

This right-to-try legislation allows terminal patients to have a choice on whether or not an experimental approach is the path for them, as sometimes, and many times, this is their only option.

Should this bill become Federal law, our terminally ill patients will have increased access, nationwide, to unapproved drugs, leading to more scientific breakthroughs that will benefit all Americans and, in lots of cases, will save a life.

Now is the time for Congress to take action and give terminally ill patients a fighting chance for their God-given right to life. How in God's name can this Congress deny an American the right to life?

Mr. Speaker, I urge all my colleagues to join me today in supporting this bill on this floor.

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

Mr. Speaker, I said before that I have found that some Members were looking to vote for this bill because they said: Well, we have the right to try in our State by State statute, so what is the difference if we do it on the Federal level?

I just want to stress again that the State right-to-try laws do not give patients a right to try effectively and have done little to expand access to investigational treatments.

There are 37 States and the District of Columbia that have enacted right-to-try laws, and there is no evidence that anyone has obtained an investigational treatment via these laws that couldn't have been obtained through FDA's expanded access program.

Right-to-try laws do not compel companies to provide patients access to investigational treatments; therefore, under these State laws, patients still do not have a right to try, only the

right to request the treatment from the company.

State right-to-try laws do not address the fundamental barriers of cost and company restrictions. Neither the FDA nor States require insurers or pharmaceutical companies to cover the cost or reduce the costs of these often expensive treatments. Instead, these laws put patients at higher risk by prohibiting or weakening FDA's oversight of investigational treatments.

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

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. ROE), the chairman of the Committee on Veterans' Affairs.

Mr. ROE of Tennessee. Mr. Speaker, I rise today in strong support of H.R. 5247, the Right to Try Act.

I am a physician and scientist with over 40 years experience treating patients, some of whom had the dreaded diagnosis of cancer.

Six months ago, I was operated on for cancer, and I, to this day, am a cancer survivor. If needed, I would like to have the right to try.

A little over 3 years ago, my beloved wife, Pam Roe, a nurse and friend, died of stage IV colon cancer. She would have liked to have had the right to try.

Less than 2 months after that, one of the best friends I will ever have in my life, Phil Street, a Vietnam veteran, Air Force veteran, died of a cancer related to Agent Orange. Phil would have liked to have had the right to try.

My senior partner in medical practice, a year later, good friend, was diagnosed with brain cancer. Dr. Cone would have liked the right to try.

Shortly after that, Linda Baines, a scrub nurse that I have operated with hundreds of times in my medical practice, was diagnosed with cancer. Linda would have liked the right to try.

I have two dear friends at this moment who are both being treated for stage IV cancer. If those treatments don't work—and I have had to look patients in the eye and say, Mr. Speaker: ''Your life is not in my hands anymore. It is in God's hands''—they would like to have the right to try.

I tell you this: all these patients want and deserve is a right to try. Please, I am asking you to support this legislation.

Mr. PALLONE. Mr. Speaker, may I inquire how much time remains and whether the gentleman has additional speakers on his side.

Mr. BURGESS. Mr. Speaker, I will be closing.

The SPEAKER pro tempore. The gentleman from New Jersey has 9 minutes remaining. The gentleman from Texas has 3½ minutes remaining.

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

Mr. Speaker, I just want to stress that, as I said before, we have the four previous FDA Commissioners, two Democrats and two Republicans appointed by President Bush, who have raised serious concerns about this legislation because it excludes FDA review and they think could pose serious risks to vulnerable patients.

I just wanted to read, once again, a statement that they made jointly to The Washington Post, where they said: ''There is no evidence that either bill would meaningfully improve access for patients, but both would remove the FDA from the process and create a dangerous precedent that would erode protections for vulnerable patients.''

Mr. Speaker, I just want to stress to my colleagues on both sides of the aisle that my concern is that no one is actually going to be able to get an experimental drug by this bill. In other words, if you are a manufacturer that actually has done something and come up with an experimental drug that you believe will make a difference to someone who is terminally ill, you are likely going to want to go through the FDA expanded access process because then there is a seal of approval that the FDA has actually looked at this and said that it is relatively safe to use.

So my real fear is that the only thing this is going to do is open up to the possibility of some charlatan, fly-by-night snake oil drug company or manufacturer who is going to make all kinds of claims that have not been reviewed by the FDA for any kind of safety, and that then people may say: Okay. Well, I will take that because I am terminally ill and I might as well try something.

But that isn't really what we should be doing here. We should be providing a process, as the FDA does right now, where, if someone is terminally ill and they want to try something, they at least have some certification of approval by the FDA that this is something that may help them, that may make a difference, and that, in the case of about 11 percent of the cases where the application is made to the FDA, some changes are made to make sure that even though there is a certain level of risk, that that level of risk is reduced by the FDA putting on additional safety precautions.

So my real concern here is I don't want people to vote for this legislation thinking that somehow it is going to make a difference. I really don't believe that is true. Otherwise, I wouldn't urge the opposition that I am. But for all these reasons, I do urge strong opposition to this bill and ask that my colleagues vote ''no.''

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

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

Mr. Speaker, yesterday, during the rule debate on this bill, I outlined a case where the previous Speaker, NANCY PELOSI, provided the right to try for a patient, a Democratic donor, back in my home State of Texas. So, really, all we are asking today is that we give regular Americans, the forgotten men and women of this country, the same rights that the Speaker of the House provided to a Democratic donor back in October of 2008.

Yesterday I quoted from an article from the Dallas Morning News. I have a different but similar article today talking about the same case, talking about the individual who had a diagnosis of multiple myeloma.

There was a drug that perhaps would provide some hope. The individual was clearly terminal. This monoclonal antibody that was primarily used to treat multiple sclerosis might show some efficacy in treating the advanced form of multiple myeloma that this patient had. The drug had been through phase 1 clinical trials. The patient did not have time for the drug to go through phase 2 and phase 3 clinical trials.

The article says:

> Enter Nancy Pelosi. Through means to which we have never been privy, Ms. Pelosi got the FDA to give the manufacturer the all-clear to give the drug to the patient. The patient got the drug, the patient took the drug, but, unfortunately, the patient died anyway, but his family remains grateful to the Speaker for interceding on his behalf.

I don't doubt that they are.

Yesterday, I quoted the Dallas Morning News article where the patient's spouse said, somehow, NANCY PELOSI got it done.

Well, do you know what, Mr. Speaker? You shouldn't have to depend on the Speaker of the House to intercede on your behalf to get the FDA to get the manufacturer to make a drug available. If you are really up against a bad situation, wouldn't it be better if we provided everyone that same pathway?

That is what this bill does today. That is why the right-to-try legislation was advocated by the President of the United States. In fact, I think it was the only legislative priority that the President laid out during his State of the Union Address where he wanted to see Congress act.

So today, we are going to do that. Today, we are going to act. It is an important bill. I encourage my colleagues to vote in favor of it.

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

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

Pursuant to House Resolution 787, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1400

MOTION TO RECOMMIT

Mr. PALLONE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PALLONE. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pallone moves to recommit the bill H.R. 5247 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

Strike section 2 and insert the following:

SEC. 2. USE OF UNAPPROVED INVESTIGATIONAL DRUGS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561A (21 U.S.C. 360bbb–0) the following:

"SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

''(a) USE OF CLINICAL OUTCOMES.—

''(1) IN GENERAL.—The Secretary shall issue guidance describing the Secretary's consideration and evaluation, for purposes of the review of, and decision on whether to approve, a marketing application under section 505 of this Act or section 351 of the Public Health Service Act for an investigational drug, of clinical outcomes associated with the provision by a sponsor or manufacturer of such drug under subsection (b) or (c) of section 561. Such guidance shall address—

''(A) specific instances in which the Secretary will determine that the public health requires such consideration and evaluation;

''(B) specific instances in which a sponsor may request such consideration and evaluation; and

''(C) the context in which such consideration and evaluation will occur, particularly with regard to information and data relevant to the evaluation of a marketing application under section 505 of this Act or section 351 of the Public Health Service Act for the investigational drug.

''(2) GUIDANCE.—

''(A) DRAFT GUIDANCE.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue draft guidance with a public comment period regarding the use of clinical outcomes associated with the use of an investigational drug that a sponsor or manufacturer has provided under subsection (b) or (c) of section 561, as described in paragraph (1).

''(B) FINAL GUIDANCE.—Not later than 1 year after the public comment period on such draft guidance ends, the Secretary shall issue final guidance.

''(b) POSTING OF INFORMATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall post on the internet website of the Food and Drug Administration and update annually, categorized by therapeutic area—

''(1) the number of requests that were received by the Food and Drug Administration for the provision by a sponsor or manufacturer of an investigational drug under subsection (b) or (c) of section 561; and

''(2) the number of such requests that were granted.''.

(b) REPORTING.—Section 561A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–0) is amended adding at the end the following:

''(g) REPORTING.—The manufacturer or sponsor of an eligible investigational drug shall post on the same publicly available internet website used by the manufacturer for purposes of subsection (b) of this section an annual summary of any provision by the manufacturer or sponsor of an investigational drug under subsection (b) or (c) of section 561. The summary shall include the number of requests received, the number of requests granted, the number of patients treated, the therapeutic area of the drug made available, and any known or suspected serious adverse events. Such annual summary shall be provided to the Secretary upon request.''.

(c) LIABILITY.—Section 561 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) LIABILITY.—

''(1) ALLEGED ACTS OR OMISSIONS.—

''(A) MANUFACTURER OR SPONSOR.—No manufacturer or sponsor (or their agent or representative) of an investigational drug provided to a single patient or small group of patients for treatment use shall be liable for any alleged act or omission related to the provision of such drug, so long as such drug was provided in accordance with subsection (b) or (c), including the reporting of safety information, from clinical trials or any other source, as required pursuant to section 312.32 of title 21, Code of Federal Regulations (or any successor regulations).

''(B) PHYSICIAN, CLINICAL INVESTIGATOR, OR HOSPITAL.—

''(i) No licensed physician, clinical investigator, or hospital shall be liable for any alleged act or omission related to the provision to a single patient or small group of patients for treatment use of an investigational drug in accordance with the requirements described in clause (ii), unless such act or omission constitutes on the part of such physician, clinical investigator, or hospital with respect to such investigational drug—

''(I) willful or criminal misconduct;

''(II) reckless misconduct;

''(III) gross negligence relative to the applicable standard of care and practice with respect to the administration or dispensing of such investigational drug; or

''(IV) an intentional tort under applicable State law.

''(ii) The requirements described in this clause are the requirements under subsection (b) or (c), including—

''(I) the reporting of safety information, from clinical trials or any other source, as required pursuant to under section 312.32 of title 21, Code of Federal Regulations (or any successor regulations);

''(II) ensuring that the informed consent requirements of part 50 of title 21, Code of the Federal Regulations (or any successor regulations) are met; and

''(III) ensuring that review by an institutional review board is obtained in a manner consistent with the requirements of part 56 of title 21, Code of the Federal Regulations (or any successor regulations).

''(2) DETERMINATION NOT TO PROVIDE DRUG.—No manufacturer, sponsor, licensed physician, clinical investigator, or hospital, nor the Secretary, shall be liable for determining not to provide access to an investigational drug under this section or for discontinuing any such access that it initially determined to provide.

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as set forth in paragraphs (1) and (2), nothing in this section or section 561B shall be construed to modify or otherwise affect the right of any person to bring a private action against a manufacturer or sponsor (or their agent or representative), physician, clinical investigator, hospital, prescriber, dispenser, or other entity under any State or Federal product liability, tort, consumer protection, or warranty law.

''(B) FEDERAL GOVERNMENT.—Nothing in this section or section 561B shall be construed to modify or otherwise affect the authority of the Federal Government to bring suit under any Federal law.''.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey is recognized for 5 minutes in support of his motion.

Mr. PALLONE. Mr. Speaker, this is an amendment to the bill, or the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended. And this amendment would offer a more targeted approach to improving the FDA's current expanded access program.

In October, the Energy and Commerce Committee held a hearing on the widely opposed Senate right-to-try legislation. At that hearing, we heard concerns from FDA Commissioner Gottlieb and also from manufacturers, academic experts, and patient groups that S. 204 was legislation that would expose broad numbers of patients to harm, and sought to hamstrung the FDA's ability to oversee or engage in any meaningful way on the use of investigational treatments.

Since that time, my colleagues on the other side of the aisle have drafted new legislation that maintains, in my opinion, the same harmful approach prohibiting FDA review of experimental treatments. The FDA is part of the process for a reason. It protects patients from potentially bad actors or from experimental treatments that might do more harm than good.

So my motion to recommit, Mr. Speaker, abandons this harmful attempt to undermine the FDA's expanded access pathway and, instead, seeks to make two improvements that have been identified as meaningful by both manufacturers and patient groups.

This proposal will also not be any surprise to Chairman WALDEN or Chairman BURGESS because it was the bipartisan proposal our staffs were negotiating prior to the introduction of the current Republican bill.

So I want to stress that, unlike the current bill, H.R. 5247, this proposal is not based on the false premise that FDA approval is a barrier to accessing investigational treatments. Rather, it addresses the two key problems identified by expert witnesses at our hearing: how the FDA will utilize clinical outcomes of investigational treatments and liability protection.

To that end, under this motion to recommit, the FDA is directed to issue guidance to manufacturers specifically on how and when the FDA will consider clinical outcomes, and when a sponsor may request the consideration of such outcomes when it comes time to submit an application for approval for the investigational treatment.

This will provide manufacturers with the clarity they are seeking regarding

how allowing patients access to drugs that are still under development may impact their ability to gain full FDA approval. It will also ensure that there is a public process for such guidance, ensuring that stakeholders will have the opportunity to offer their views on this issue.

Mr. Speaker, the motion to recommit also provides liability protection to manufacturers, physicians, clinical investigators, and hospitals, if they are in compliance with the current law and regulations for expanded access. If you are a manufacturer, a physician, or a hospital that is in compliance with current rules and requirements related to expanded access, you will receive protection for allowing access to the investigational treatment.

Finally, it also provides transparency around the number of expanded access requests the FDA receives and grants, how many requests a manufacturer receives and grants, and if there are any serious adverse events. This transparency, I believe, will provide clear data as to how many patients are making expanded access requests and how often these requests are granted or denied by the FDA and manufacturers.

Mr. Speaker, I believe that these legislative fixes will go a long way to bolstering the existing successful expanded access pathway, while maintaining the critical review and oversight of the agency charged with protecting our public health, that being the FDA.

I just want to say that, last fall, FDA Commissioner Gottlieb testified on right-to-try efforts and told our committee: ''There is a perception that certain products that aren't being offered under FDA expanded access will be offered under right-to-try, and I don't see that.''

That is our current Commissioner Gottlieb, who I respect a great deal.

Rather than creating an unnecessary alternative pathway that threatens our drug approval process and our clinical trial program, I would urge my colleagues to join with Democrats and 103 patient organizations in supporting the current expanded access program.

These targeted improvements under the motion to recommit to the existing program are, I think, a way to achieve a better goal. So I urge my colleagues to support my motion to recommit and oppose this, what I consider, dangerous Republican proposal in the bill before us.

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

Mr. BURGESS. Mr. Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, while well-intentioned, this motion to recommit falls short of providing vulnerable patients full access to experimental treatments.

Providing clarity on how negative side effects will be accounted for during drug approvals is helpful. Giving manufacturers, sponsors, physicians, hospitals, and clinical investigators certainty on liability protections is meaningful. Taken together, these improvements to the existing expanded access program could lead to enhanced manufacturer and sponsor participation and increased patient access.

But this would not provide an alternative pathway for patients who cannot get into a clinical trial and have been rejected from participation in the existing compassionate use program.

This bill before us today does provide an alternative pathway, one that strengthens patient protections with clearer informed consent and real-time adverse event reporting. This bill—the underlying bill—also makes certain that the FDA is notified when a patient receives an unapproved drug through the new alternative pathway to ensure proper oversight. These are significant patient protections.

With this motion to recommit, we have a choice. The underlying bill is the only choice that gives those patients in the greatest need of help access to investigational drugs, with their consent, even after they were rejected from participating in a clinical trial or expanded access.

Mr. Speaker, the choice is clear. We need to vote to expand patient access. We need to vote down the motion to recommit. We need to vote for the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess.

□ 2115

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 9 o'clock and 15 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 2018.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 21, 2018, at 5:15 p.m.:

That the Senate passed without amendment H.R. 1865.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

The motion to recommit on H.R. 5247;

Passage of H.R. 5247, if ordered; and

Agreeing to the Speaker's approval of the Journal, if ordered.

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

TRICKETT WENDLER, FRANK MONGIELLO, JORDAN McLINN, AND MATTHEW BELLINA RIGHT TO TRY ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 5247) to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, and for other purposes, offered by the gentleman from New Jersey (Mr. PALLONE), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 182, nays 233, not voting 14, as follows:

[Roll No. 120]

YEAS—182

Adams	Brady (PA)	Cicilline
Aguilar	Brown (MD)	Clark (MA)
Barragán	Brownley (CA)	Clarke (NY)
Bass	Bustos	Cleaver
Beatty	Butterfield	Clyburn
Bera	Capuano	Cohen
Beyer	Carbajal	Connolly
Bishop (GA)	Cárdenas	Cooper
Blumenauer	Carson (IN)	Correa
Blunt Rochester	Cartwright	Costa
Bonamici	Castor (FL)	Courtney
Boyle, Brendan F.	Castro (TX)	Crist
	Chu, Judy	Crowley

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

NAYS—233

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

NOT VOTING—14

Clay
Cramer
Cummings
Davis, Danny
DeFazio
Jones
Kelly (IL)
Pingree
Rooney, Francis
Rush
Sarbanes
Shuster
Walz
Waters, Maxine

□ 2143

Messrs. CONAWAY, COLLINS of Georgia, MCHENRY, BISHOP of Michigan, GRAVES of Louisiana, MITCHELL, SCHWEIKERT, ROSS, LOUDERMILK, YOHO, and TURNER changed their vote from ''yea'' to ''nay.''

Mr. BEYER and Miss RICE of New York changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 267, noes 149, not voting 13, as follows:

[Roll No. 121]

AYES—267

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

NOES—149

Adams
Aguilar
Bass
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capuano
Cárdenas
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Connolly
Courtney
Crowley
Davis (CA)
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty (CT)
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gomez
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hastings
Heck
Higgins (NY)
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kennedy
Khanna
Kihuen
Kildee
Kilmer

Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Lawrence
Lee
Levin
Lewis (GA)
Lipinski
Lowenthal
Lowey
Luján, Ben Ray
Maloney, Carolyn B.
Matsui
McCollum
McEachin
McGovern
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
Pallone
Panetta
Pascrell
Paulsen
Payne
Pelosi
Peters
Pocan
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Vargas
Vela
Velázquez
Visclosky
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Clay
Cramer
Cummings
Davis, Danny
DeFazio
Jones
Kelly (IL)
Pingree
Rooney, Francis
Rush
Sarbanes
Walz
Waters, Maxine

□ 2153

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. COHEN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Tennessee will state his parliamentary inquiry.

Mr. COHEN. Would it be appropriate to announce to the House that there is a discharge petition at the desk for H.R. 4669 to give Mr. Mueller due process rights in case he is fired for other than good cause?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

MOMENT OF SILENCE HONORING LIEUTENANT COMMANDER JAMES BRICE JOHNSON AND LIEUTENANT CALEB NATHANIEL KING

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

Mr. TAYLOR. Mr. Speaker, I rise to honor the lives of Lieutenant Commander James Brice Johnson and Lieutenant Caleb Nathaniel King, who gave the ultimate sacrifice during a training exercise last week as their Virginia Beach-based squadron was training off the coast of Florida.

Mr. Speaker, I want to thank Congressman CURBELO for organizing this moment and all the help from the great people of the 26th District of Florida.

Mr. Speaker, I am not naive to the fact that my words today don't hold a candle to the pain, the grieving, the questioning, and perhaps some anger from the families, friends, and teammates, how they may be feeling.

But today we are here with you, we pray with you, Victoria and Rain, Darrell and Robin, Mary, Charles and Kathryn, and we feel your pain. However, we must honor them. We must speak out as a grateful nation for the sacrifice these valiant men and their loved ones made for us, for freedom.

They died in the full strength and vigor of their youth, and they represent the profound power of our country and its unbroken line of patriots who understand the risks, but time and time again step forward to serve a cause greater than themselves. They are part of the very fabric of our land, and they inspire not only us, but our descendants for generations to come.

Indeed, there is nothing small about the big task it takes to defend freedom, peace, and our way of life. And this may be equally dangerous during training, peace, or war.

But in this heartache, there is hope. We are better because they have lived.

On behalf of a grateful Congress, community, and country, we give thanks and our sincerest condolences to the men and women of the fighting Blacklions from Squadron 213, to the friends and to the families of Lieutenant Commander Johnson and Lieutenant King.

Rest easy now, boys.

Mr. Speaker, I now request the House observe a moment of silence in honor of Lieutenant Commander Johnson and Lieutenant King.

The SPEAKER pro tempore. Members and guests in the gallery, please rise for a moment of silence.

THE JOURNAL

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 216, noes 192, answered ''present'' 2, not voting 19, as follows:

[Roll No. 122]

AYES—216

Abraham
Adams
Aderholt
Aguilar
Amodei
Arrington
Bacon
Banks (IN)
Barletta
Barr
Beatty
Bilirakis
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Blunt Rochester
Bonamici
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Brown (MD)
Buchanan
Bucshon
Budd
Bustos
Butterfield
Byrne
Calvert
Carson (IN)
Carter (GA)
Carter (TX)
Cartwright
Castro (TX)
Chabot
Cheney
Chu, Judy
Cicilline
Clark (MA)
Cohen
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Cook
Cooper
Cuellar
Culberson
Curtis
Davis (CA)
Davis, Rodney
DeGette
DeLauro
DelBene
Demings
Dent
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Donovan
Duffy
Duncan (TN)
Dunn
Ellison
Engel
Eshoo
Estes (KS)
Ferguson
Fleischmann
Fortenberry
Foster
Frankel (FL)
Frelinghuysen
Gabbard
Garamendi
Gianforte
Gibbs
Gonzalez (TX)
Goodlatte
Gowdy
Granger
Griffith
Grothman
Guthrie
Handel
Harper
Harris
Hartzler
Heck
Hensarling
Higgins (LA)
Higgins (NY)
Hill
Himes
Hollingsworth
Hoyer
Huffman
Hultgren
Hunter
Issa
Johnson (LA)
Johnson, Sam
Kaptur
Kelly (MS)
Kelly (PA)
Kennedy
Khanna
Kildee
King (IA)
King (NY)
Krishnamoorthi
Kustoff (TN)
Labrador
LaMalfa
Lamborn
Larsen (WA)
Larson (CT)
Lawrence
Lewis (MN)
Lipinski
Lofgren
Long
Loudermilk
Lucas
Luetkemeyer
Lujan Grisham, M.
Luján, Ben Ray
Marino
Massie
Matsui
McCarthy
McCaul
McClintock
McCollum
McHenry
McMorris Rodgers
McNerney
Meng
Mitchell
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Newhouse
Norman
Nunes
O'Rourke
Olson
Palmer
Pascrell
Pelosi
Perlmutter
Peters
Pocan
Polis
Rice (SC)
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney, Thomas J.
Ross
Rothfus
Royce (CA)
Ruppersberger
Russell
Rutherford
Scalise
Schiff
Schneider
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Smucker
Speier
Stefanik
Stewart
Thornberry
Titus
Trott
Tsongas
Wagner
Walden
Walker
Walorski
Walters, Mimi
Wasserman Schultz
Webster (FL)
Welch
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Yarmuth
Young (IA)

NOES—192

Allen
Amash
Babin
Barragán
Barton
Bass
Bera
Bergman
Beyer
Biggs
Bishop (GA)
Bishop (MI)
Bost
Boyle, Brendan F.
Brady (PA)
Brooks (AL)
Brownley (CA)
Buck
Burgess
Capuano
Carbajal
Cárdenas
Castor (FL)
Clarke (NY)
Coffman
Conaway
Connolly
Correa
Costa
Costello (PA)
Courtney
Crawford
Crist
Crowley
Curbelo (FL)
Davidson
Delaney
Denham
DeSantis
Doyle, Michael F.
Duncan (SC)
Emmer
Espaillat
Esty (CT)
Evans
Farenthold
Faso
Fitzpatrick
Flores
Foxx
Fudge
Gaetz
Gallagher
Gallego
Garrett
Gohmert
Gomez
Gosar
Gottheimer
Graves (GA)
Graves (LA)
Graves (MO)
Green, Al
Green, Gene
Gutiérrez
Hanabusa
Hastings
Herrera Beutler
Hice, Jody B.
Holding
Hudson
Huizenga
Hurd
Jackson Lee
Jayapal
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jordan
Joyce (OH)
Katko
Keating
Kihuen
Kilmer
Kind
Kinzinger
Knight
LaHood

Lance	Palazzo	Sewell (AL)
Langevin	Pallone	Shimkus
Latta	Panetta	Sinema
Lawson (FL)	Paulsen	Sires
Lee	Payne	Soto
Levin	Pearce	Stivers
Lewis (GA)	Perry	Suozzi
Lieu, Ted	Peterson	Swalwell (CA)
LoBiondo	Pittenger	Takano
Loebsack	Poe (TX)	Taylor
Love	Poliquin	Tenney
Lowenthal	Posey	Thompson (CA)
Lowey	Price (NC)	Thompson (MS)
Lynch	Quigley	Thompson (PA)
MacArthur	Raskin	Tipton
Maloney, Carolyn B.	Ratcliffe	Torres
	Reed	Turner
Maloney, Sean	Renacci	Upton
Marchant	Richmond	Valadao
Marshall	Rogers (AL)	Vargas
Mast	Rokita	Veasey
McEachin	Ros-Lehtinen	Vela
McGovern	Rosen	Velázquez
McKinley	Roskam	Visclosky
McSally	Rouzer	Walberg
Meehan	Roybal-Allard	Watson Coleman
Meeks	Ruiz	Weber (TX)
Messer	Ryan (OH)	Wilson (FL)
Moore	Sánchez	Wittman
Neal	Sanford	Woodall
Noem	Schakowsky	Yoder
Nolan	Schrader	Yoho
Norcross	Scott (VA)	Young (AK)
O'Halleran	Serrano	Zeldin

ANSWERED ''PRESENT''—2

Cleaver	Tonko

NOT VOTING—19

Clay	Jones	Rooney, Francis
Clyburn	Kelly (IL)	Rush
Cramer	Kuster (NH)	Sarbanes
Cummings	Meadows	Walz
Davis, Danny	Pingree	Waters, Maxine
DeFazio	Reichert	
Grijalva	Rice (NY)	

□ 2206

Ms. CLARKE of New York changed her vote from ''aye'' to ''no.''

So the Journal was approved.

The result of the vote was announced as above recorded.

HOUR OF MEETING ON TOMORROW

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at 9 a.m. on Thursday, March 22, 2018.

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

There was no objection.

PERMISSION TO POSTPONE PROCEEDINGS ON MOTIONS TO SUSPEND THE RULES THROUGH LEGISLATIVE DAY OF THURSDAY, MARCH 22, 2018

Mr. GOWDY. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 8 of rule XX, further proceedings on the questions of agreeing to motions to suspend the rules with regard to H.R. 4227, H.R. 4467, H.R. 5089, and H.R. 5131, may continue to be postponed through the legislative day of Thursday, March 22, 2018.

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

There was no objection.

SECRET SERVICE RECRUITMENT AND RETENTION ACT OF 2017

Mr. GOWDY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3731) to provide overtime pay for employees of the United States Secret Service, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Secret Service Recruitment and Retention Act of 2018''.

SEC. 2. EXTENSION OF OVERTIME PAY EXCEPTION THROUGH 2018 FOR PROTECTIVE SERVICES.

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note) is amended—

*(A) in the section heading, by striking ''**IN 2016**'' and inserting ''**DURING 2016 THROUGH 2018**'';*

(B) in subsection (a), by striking ''2016'' and inserting ''2016, 2017, or 2018''; and

(C) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Notwithstanding any other provision of law, including section 5547(a) of title 5, United States Code, and only to the extent that an appropriation is provided specifically in an appropriations Act for premium pay in excess of the annual equivalent of the limitation on the rate of pay contained in section 5547(a), any covered employee may receive premium pay during 2016, 2017, and 2018, to the extent provided under section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note).''.

(2) CLARIFYING PROVISION.—Section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note) is amended, in the first sentence, by inserting ''or 3056A'' after ''section 3056(a)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on December 31, 2016.

(c) REPORT ON EXTENSIONS.—Not later than January 30, 2018, and January 30, 2019, the Director of the Secret Service shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effects of the amendment made by subsection (a)(2). The report shall include, with respect to the previous calendar year—

(1) the total number of United States Secret Service personnel receiving premium pay above the premium pay limitation in subsection (a) of section 5547 of title 5, United States Code;

(2) the total amount of premium pay for that calendar year paid to United States Secret Service personnel above the premium pay limitation in such subsection;

(3) the mean and median amount of premium pay paid to United States Secret Service personnel above the premium pay limitation in such subsection;

(4) the greatest amount paid to United States Secret Service personnel above the premium pay limitation in such subsection and the number of employees who received that amount;

(5) notwithstanding the amendments made by subsection (a), the total number of United States Secret Service personnel who were not fully compensated for service because of the premium pay earnings limitation in section 118 of the Treasury and General Government Appropriations Act, 2001 (5 U.S.C. 5547 note);

(6) the total amount of premium pay United States Secret Service personnel would have been paid but for the premium pay earnings limitation in such section; and

(7) a list of United States Secret Service personnel who, within the calendar year, received premium pay above the premium pay limitation in subsection (a) of section 5547 of title 5, United States Code, and separated from the agency, including the type of separation in each case.

SEC. 3. REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.

Not later than 1 year after the effective date of this section, the Comptroller General of the United States shall complete a study and submit to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the extent of the progress made by the United States Secret Service in implementing the recommendations of the United States Secret Service Protective Mission Panel, including in particular those items pertaining to training and personnel enumerated in the Executive Summary to Report from the United States Secret Service Protective Mission Panel to the Secretary of Homeland Security dated December 15, 2014.

Mr. GOWDY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from South Carolina?

There was no objection.

A motion to reconsider was laid on the table.

CONGRATULATING THE VICTORY CENTER

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to congratulate The Victory Center for Autism and Related Disabilities on the upcoming completion of its state-of-the-art education facility in south Florida.

Since its founding in 2000, The Victory Center has excelled at providing children with autism and related disabilities comprehensive individualized treatment and education. For 18 years, the teachers at The Victory Center have achieved amazing success working out of only a handful of rooms on the campus of the Michael-Ann Russell Jewish Community Center in North Miami Beach.

This outstanding institution is proud to offer five programs covering a range of services, and it is recognized as one of the top schools for children with autism in the Nation.

Mr. Speaker, by opening this brand-new facility, The Victory Center will continue to grow and offer a positive and nurturing educational environment.

Once again, I would like to congratulate everyone at The Victory Center for all that they have accomplished. I thank their staff for helping so many children in our south Florida community achieve their full potential and leave their own beautiful mark on our world.

CALLING ATTENTION TO THE SUFFERING IN PUERTO RICO

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

Mr. PAYNE. Mr. Speaker, I am ashamed that our national government seems to have abandoned American citizens of Puerto Rico. Yesterday marked 6 months since Hurricane Maria furiously blew ashore. In those 6 months, more than 1,000 Americans have died because of the storm. In fact, people are still dying in Puerto Rico from causes that are directly related to Hurricane Maria's impact, and more than 100,000 American citizens in Puerto Rico are still without electricity.

Let me tell you, Mr. Speaker, we tend to forget how much we rely on electricity until it goes out. Without electricity, people who rely on respirators must choose between their homes and their health. The elderly, sick people, and newborn babies have to suffer through the heat and cold.

Mr. Speaker, if this was happening anywhere else in our country, we would have riots. But instead of action, all Puerto Rico gets are excuses from the national government.

CONGRATULATING GRANDVIEW HIGH SCHOOL BOYS AND GIRLS BASKETBALL TEAMS

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

Mr. COFFMAN. Mr. Speaker, I rise today to recognize both the Grandview High School boys and girls basketball teams. These two teams from Grandview are now the State of Colorado's 5A high school basketball champions.

The Grandview boys basketball team had a spectacular season, finishing the season with an impressive 24–4 record, and the culmination of the season was its first-ever boys basketball State Championship title.

The Grandview girls basketball team also had a tremendous season, finishing with an equally impressive 25–3 record, and the culmination of its season was its second consecutive girls basketball State Championship title.

The teams were led to their respective championship titles by their coaches: Josh Ulitzky for the girls team, and Michael Rogers for the boys team.

I also commend these two coaches, their coaching staffs, and all their supporters at Grandview High School for all they have contributed to the success of the school's boys and girls basketball programs.

I am incredibly proud to represent Grandview High School in the United States House of Representatives. Again, congratulations to the Grandview High School girls and boys basketball team on this impressive victory in Colorado's 5A State Championship.

□ 2215

IN MEMORY OF OFFICER GREGGORY CASILLAS

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

Ms. JUDY CHU of California. Mr. Speaker, I rise to honor and remember Pomona Police Officer Greggory Casillas, a constituent of mine who was struck down in the line of duty.

It was Greggory's dream to be a police officer. He studied police reports after hours, and he always carried flashcards and books to prepare for the police officer exam.

His hard work paid off. Friday, March 9 was the final day of Officer Casillas' ghost phase, the last day before he went out on his own. As one colleague said: ''I've never met someone so eager to become a police officer.''

Tragically, that was also the day Officer Casillas was shot, trying to make contact with a suspect who had fled the police. Officer Casillas put himself at risk so that we could be safer, and we can never thank him enough.

I am so grateful for heroes like Officer Casillas, and I join the hundreds of others who have attended vigils in his honor when I say that he will never be forgotten for his sacrifice.

RECOGNIZING LIEUTENANT COMMANDER ANDREW PATTERSON

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

Ms. TENNEY. Mr. Speaker, I rise today to recognize Lieutenant Commander Andrew Patterson, a native of Chittenango, New York, who currently serves as the Chief of Intelligence, Surveillance, and Reconnaissance Plans/Operations for the military in Afghanistan. He is the son of Marlene A. Patterson and the late commander, Kenneth F. Patterson, U.S. Navy.

Lieutenant Commander Patterson has served in the U.S. Navy Reserves for 12 years, as well as serving with the U.S. Customs and Border Protection agency for 13 years. Stationed in Afghanistan, Lieutenant Commander Andrew Patterson is leading the charge on the intelligence collection operations against the Taliban, working closely with joint regional U.S. military personnel.

In today's era of combat, the role of intelligence plays an especially important role in the success of our military. Lieutenant Commander Andrew Patterson is a true hometown hero. He is an inspiration to all of us and is an exceptional community leader.

I would like to extend my gratitude to him for his answer to the call to serve, his bravery, and his dedication to our Nation. I wish him the best of luck as he continues to serve our country.

Go Navy.

COMMEMORATING NATIONAL AG DAY

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

Mr. PANETTA. Mr. Speaker, as a Representative of the salad bowl of the world, the 20th Congressional District in California, I commemorate and celebrate National Ag Day.

In my district, the number one industry is agriculture, yes, because of the fertile land, but also because of the fearless attitude of farmers and farmworkers, growers, and families and friends of those in agriculture.

Having grown up on the central coast, we understand that the key to their success is based on that willingness to take risk. We know that risk-taking attitude is the foundation of our country, but since then, the seed of risk taking has been sown in our culture and spread across our agricultural community.

People in agriculture are constantly using that trait to deal with Mother Nature, to overcome government mandates, to transform for the changing market conditions, and to contend with the lack of immigration reform right here in Congress.

Nevertheless, with that risk-taking attitude, people in agriculture don't shrink from those challenges; they stand up to them. That is why they not only survive, they succeed. That is why we in Congress shouldn't just recognize people in agriculture today; we should learn from them every day.

REFORMING THE POLICY FOR OUR FORESTS

(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, the National Environmental Policy Act, NEPA, as it is known, enacted in 1970—I am sure, well intentioned—but time and time and time again, issues that need to be resolved for the people and their assets in this country are thwarted by needless red tape, a lot of times coming from NEPA.

Our forests in the West suffer badly—and the people who live near them, from the smoke, from the danger, from the loss of homes, the loss of wildlife—because to do the slightest thing to improve our forest conditions requires NEPA delay.

In talking to forestry people just today, you can see illustrated in photographs private land that has been recovered right after a forest fire and, indeed, Federal land, because we have to do yet another NEPA on something we should already know and understand—delayed 1, 2, 3 years. And then you don't have the value left anymore of those trees that were left behind after a fire; therefore, there is never enough money to do the job.

Mr. Speaker, we must reform NEPA so it works for the people.

HONORING BERTEL VAN EEK

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

Mr. KILMER. Mr. Speaker, at the end of this month, something rather extraordinary will happen: Bertel Van Eek will turn 108 years old. She has been the embodiment of the American Dream and, in some respects, of the importance of the things that happen here.

In the midst of debates here about immigration, she reminds us that we are a nation of immigrants. She came to this country as an immigrant after World War II. She was welcomed by the Statue of Liberty and by a country where she built an amazing life.

In the midst of debates about retirement security, she reminds us that it is important to have the backs of our seniors. Her husband died in 1981, and her ability to live with dignity for the last 37 years has been closely tied to two of the most successful public policies in the history of this country: Medicare and Social Security.

She was born on March 31, 1910—1910. America has had 19 Presidents over that timeframe. As someone who lived in Holland during World War II, she saw the capability and bravery of our military and its members.

Imagine all that she has seen over the years. She is going to watch this speech over the internet on a mobile phone. Imagine that. She was born 17 years before movies had sound.

But beyond that, her life has been filled with people who love her: a loving daughter who married a guy who calls her ''Mom,'' four great-grandchildren who adore her and who are adorable, and three grandkids who consider her a hero.

Mr. Speaker, I am proud to be one of those grandsons, and I am proud to stand here on the floor of the U.S. House and wish my Oma a happy 108th birthday.

RECESS

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

Accordingly (at 10 o'clock and 21 minutes p.m.), the House stood in recess.

□ 0120

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 1 o'clock and 20 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1625, TARGETED REWARDS FOR THE GLOBAL ERADICATION OF HUMAN TRAFFICKING; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MARCH 23, 2018, THROUGH APRIL 9, 2018

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 115–614) on the resolution (H. Res. 796) providing for consideration of the Senate amendment to the bill (H.R. 1625) to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; and providing for proceedings during the period from March 23, 2018, through April 9, 2018, which was referred to the House Calendar and ordered to be printed.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 899. An act to amend title 38, United States Code, to ensure that the requirements that new Federal employees who are veterans with service-connected disabilities are provided leave for purposes of undergoing medical treatment for such disabilities apply to certain employees of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs; in addition to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2030. An act to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes a.m.), under its previous order, the House adjourned until today, Thursday, March 22, 2018, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4323. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Modification of Revenue Procedure 2018-4 (Rev. Proc. 2018-19) received March 20, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

4324. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's IRB only rule — Issuance of Opinion and Advisory Letters for Pre-approved Defined Benefit Plans for the Second Six-Year Cycle, Deadline for Employer Adoption of the Pre-approved Plans, and Opening of Determination Letter Program for the Pre-approved Plan Adopters [Announcement 2018-05] received March 20, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[March 22 (legislative day, March 21), 2018]

Mr. SESSIONS: Committee on Rules. House Resolution 796. Resolution providing for consideration of the Senate amendment to the bill (H.R. 1625) to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State, and for other purposes; and providing for proceedings during the period from March 23, 2018, through April 9, 2018 (Rept. 115–614). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. SHERMAN, Mr. POE of Texas, and Mr. KEATING):

H.R. 5357. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. HOLLINGSWORTH, Mr. JONES, Mr. GROTHMAN, and Mr. SENSENBRENNER):

H.R. 5358. A bill to direct the Secretary of Transportation to issue regulations relating to commercial motor vehicle drivers under the age of 21, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. SERRANO, Ms. MENG, Mr. ESPAILLAT, Mr. SOTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASCRELL, and Mr. COURTNEY):

H.R. 5359. A bill to amend title 13, United States Code, to require the Secretary of

Commerce to provide advance notice to Congress before changing any questions on the decennial census, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEADOWS:

H.R. 5360. A bill to amend the Internal Revenue Code of 1986 to provide for a credit against tax for qualified special law enforcement officers; to the Committee on Ways and Means.

By Mr. PAULSEN:

H.R. 5361. A bill to require that the Secretary of the Treasury establish a program for the issuance of identity protection personal identification numbers; to the Committee on Ways and Means.

By Mrs. WALORSKI:

H.R. 5362. A bill to amend the Internal Revenue Code of 1986 to modernize and improve the management of Internal Revenue Service information technology; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 5363. A bill to safeguard the Crime Victims Fund; to the Committee on the Budget, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself and Mr. SMITH of Texas):

H.R. 5364. A bill to improve security at State and local courthouses; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania (for himself, Ms. MCCOLLUM, and Mr. STIVERS):

H.R. 5365. A bill to amend the Community Services Block Grant Act to reauthorize and modernize the Act; to the Committee on Education and the Workforce.

By Mrs. HARTZLER (for herself, Mr. AUSTIN SCOTT of Georgia, and Ms. HANABUSA):

H.R. 5366. A bill to amend title 18, United States Code, to provide for certain authorized actions regarding interdiction of unmanned aircraft, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Homeland Security, 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. BIGGS:

H.R. 5367. A bill to amend Rule 23 of the Federal Rules of Civil Procedure to protect the ''gig economy'' and small businesses that operate in large part through contractor services from the threat of costly class action litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Michigan (for himself, Mrs. WALORSKI, and Mr. RENACCI):

H.R. 5368. A bill to amend the Internal Revenue Code of 1986 to require that certain tax refunds be made by electronic funds transfer, and for other purposes; to the Committee on Ways and Means.

By Mr. COOPER (for himself, Mr. NORMAN, Mr. BUDD, and Miss RICE of New York):

H.R. 5369. A bill to prohibit the consideration in the House of Representatives of any legislation containing an earmark; to the Committee on Rules.

By Mr. SAM JOHNSON of Texas:

H.R. 5370. A bill to amend the Internal Revenue Code of 1986 to eliminate the IRS Oversight Board; to the Committee on Ways and Means.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 5371. A bill to amend the Higher Education Act of 1965 to provide student loan eligibility for mid-career, part-time students, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MITCHELL:

H.R. 5372. A bill to amend the Internal Revenue Code of 1986 to make permanent certain provisions of Public Law 115-97, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERS (for himself, Mr. LAHOOD, Mr. KILMER, and Mr. BIGGS):

H.R. 5373. A bill to provide support for the production of algae, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Ms. ROS-LEHTINEN, Mr. SCOTT of Virginia, Mr. TAKANO, Ms. PELOSI, Mr. HOYER, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, Ms. SINEMA, Mr. POCAN, Mr. DEFAZIO, Mr. GRIJALVA, Ms. JACKSON LEE, Mr. ESPAILLAT, Mr. SWALWELL of California, Mr. LOWENTHAL, Mr. SERRANO, Ms. BARRAGÁN, Mr. CROWLEY, Ms. JAYAPAL, Ms. BROWNLEY of California, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. EVANS, Miss RICE of New York, Mr. PERLMUTTER, Mr. CRIST, Ms. SHEA-PORTER, Mr. CARTWRIGHT, Mr. MOULTON, Mr. SHERMAN, Mr. CARSON of Indiana, Mr. PETERS, Ms. BONAMICI, Mr. KILDEE, Ms. NORTON, Mr. PRICE of North Carolina, Mr. PALLONE, Mrs. WATSON COLEMAN, Mr. FOSTER, Mr. HIMES, Mr. KIHUEN, Ms. TITUS, Ms. BLUNT ROCHESTER, Ms. CLARK of Massachusetts, Ms. DELBENE, Mr. LANGEVIN, Ms. DEGETTE, Ms. TSONGAS, Ms. FRANKEL of Florida, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. HASTINGS, Ms. BASS, Ms. BORDALLO, Mr. SMITH of Washington, Mr. VELA, Mr. YARMUTH, Mrs. DINGELL, Mrs. CAROLYN B. MALONEY of New York, Ms. SCHAKOWSKY, Ms. SPEIER, Mr. PAYNE, Ms. MOORE, Ms. MATSUI, Mrs. BUSTOS, Ms. FUDGE, Mr. CÁRDENAS, Ms. VELÁZQUEZ, Mr. PANETTA, Mr. GALLEGO, Mrs. DAVIS of California, Mr. DANNY K. DAVIS of Illinois, Mr. COHEN, Mr. KILMER, Mrs. LOWEY, Mr. GUTIÉRREZ, Ms. ROSEN, Ms. LEE, Mr. ELLISON, Mr. GARAMENDI, Mr. MCNERNEY, Mr. TED LIEU of California, Mr. NADLER, Ms. SÁNCHEZ, Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. NOLAN, Ms. HANABUSA, Mr. LEWIS of Georgia, Mr. COSTA, Ms. PINGREE, Mr. TONKO, Mr. CAPUANO, Mr. NORCROSS, Mr. COOPER, Ms. ROYBAL-ALLARD, Mr. BRADY of Pennsylvania, Mr. QUIGLEY, Mr. HUFFMAN, Mr. BERA, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. DELANEY, Mr. RYAN of Ohio, Ms. DELAURO, Mr. WELCH, Mr. RUIZ, Mrs. NAPOLITANO, Ms. WASSERMAN SCHULTZ, Mr. KENNEDY, Mr. VARGAS, Mr. LARSEN of Washington, Mr. O'ROURKE, Ms. LOFGREN, Ms. CASTOR of Florida, Mr. KRISHNAMOORTHI, Mr. CARBAJAL, Mr. MCEACHIN, Mr. DESAULNIER, Ms. ESTY of Connecticut, and Mrs. TORRES):

H.R. 5374. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. REED (for himself, Mr. KELLY of Pennsylvania, and Mr. BISHOP of Michigan):

H.R. 5375. A bill to require the Secretary of the Treasury to submit to Congress a comprehensive customer service strategy for the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. RENACCI:

H.R. 5376. A bill to amend the Internal Revenue Code of 1986 to ensure that contractors to whom return information is disclosed comply with confidentiality safeguards; to the Committee on Ways and Means.

By Mr. RENACCI (for himself, Mrs. BLACK, and Mr. BISHOP of Michigan):

H.R. 5377. A bill to require the Secretary of the Treasury to make available an internet platform to prepare and file Forms 1099, and for other purposes; to the Committee on Ways and Means.

By Mr. SCALISE:

H.R. 5378. A bill to require the Federal Communications Commission to conduct a proceeding to determine whether certain activities by licensees of the Commission are undertakings under division A of subtitle III of title 54, United States Code, or major Federal actions under the National Environmental Policy Act of 1969; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FASO:

H. Res. 793. A resolution recognizing the importance of the Upper Delaware River in New York State; to the Committee on Natural Resources.

By Mr. ROSS (for himself and Mrs. WALORSKI):

H. Res. 794. A resolution expressing the sense of the House of Representatives that the national parks, national forests, and public lands and waters of the United States contribute greatly to the economic and physical well-being of Americans and can be further improved by public-private partnerships; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself and Mr. NORCROSS):

H. Res. 795. A resolution recognizing the United States role in the evolving energy landscape of the Gulf Cooperation Council countries; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 5357.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution

By Mr. HUNTER:

H.R. 5358.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the United States Constitution

By Mrs. CAROLYN B. MALONEY of New York:

H.R. 5359.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18 of the Constitution

Congress shall have the power . . . to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof..

By Mr. MEADOWS:

H.R. 5360.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause I states ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States. . .''

By Mr. PAULSEN:

H.R. 5361.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mrs. WALORSKI:

H.R. 5362.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article 1,Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POE of Texas:

H.R. 5363.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution which states that Congress has the power ''to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. POE of Texas:

H.R. 5364.

Congress has the power to enact this legislation pursuant to the following:

According to the Neccessary and Proper Clause found in Article 1 Section 8 of the United States Constitution

By Mr. THOMPSON of Pennsylvania:

H.R. 5365.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 of the United States Constitution which gives Congress the power ''to regulate Commerce with foreign Nations, and among the several states, and within the Indian Tribes.''

By Mrs. HARTZLER:

H.R. 5366.

Congress has the power to enact this legislation pursuant to the following:

''clause 3 of section 8 of article 1 of the Constitution,'' and ''clause 18 of section 8 of article 1 of the Constitution.''

By Mr. BIGGS:

H.R. 5367.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. BISHOP of Michigan:

H.R. 5368.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7, Clause 1 stating ''All Bills for raising Revenue shall originate in the House of Representatives:

Article I, Section 8, Clause 1 stating ''The Congress shall have the power to lay and collect Taxes'' and Clause 18 stating that it has the power to ''make all laws which shall be necessary and proper for carrying into execution the foregoing powers.''

By Mr. COOPER:

H.R. 5369.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 5, Clause 2 of the Constitution of the United States.

By Mr. SAM JOHNSON of Texas:

H.R. 5370.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution and Article 1, Section 8, Clause 18 of the United States Constitution.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 5371.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. MITCHELL:

H.R. 5372.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. PETERS:

H.R. 5373.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. POLIS:

H.R. 5374.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of Article I of the Constitution

By Mr. REED:

H.R. 5375.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States of America

By Mr. RENACCI:

H.R. 5376.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1:

The Congress shall havePower To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. RENACCI:

H.R. 5377.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1:

The Congress shall havePower To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Article 1, Section 8, Clause 18:

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. SCALISE:

H.R. 5378.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 754: Mr. MOONEY of West Virginia.
H.R. 1057: Mr. KRISHNAMOORTHI.
H.R. 1150: Mr. FLEISCHMANN.
H.R. 1212: Mr. MESSER and Mr. KILMER.
H.R. 1276: Mr. RASKIN.
H.R. 1444: Miss RICE of New York.
H.R. 1475: Mrs. BEATTY.
H.R. 1478: Mr. CORREA and Mr. GOTTHEIMER.
H.R. 1542: Mr. MESSER and Mrs. TORRES.
H.R. 1612: Mrs. BEATTY.
H.R. 1676: Mr. DANNY K. DAVIS of Illinois.
H.R. 1802: Mr. CARTWRIGHT.
H.R. 1825: Mrs. MCMORRIS RODGERS, Mr. LEWIS of Minnesota, and Mr. FITZPATRICK.
H.R. 1928: Mr. BLUMENAUER.
H.R. 2135: Ms. WASSERMAN SCHULTZ, Mr. NORCROSS, and Mr. COURTNEY.
H.R. 2147: Mr. MCEACHIN.
H.R. 2215: Mrs. DAVIS of California.
H.R. 2273: Mr. AUSTIN SCOTT of Georgia.
H.R. 2321: Mrs. MCMORRIS RODGERS.
H.R. 2345: Mr. SHIMKUS.
H.R. 2452: Mr. MCEACHIN and Mr. CORREA.
H.R. 2652: Mr. SMITH of New Jersey.
H.R. 2683: Ms. TENNEY.
H.R. 2902: Ms. BASS.
H.R. 2913: Ms. SÁNCHEZ.
H.R. 3030: Mr. MEEKS.
H.R. 3220: Mr. BISHOP of Michigan.
H.R. 3330: Mr. BANKS of Indiana.
H.R. 3378: Mr. WILLIAMS and Mr. LAMALFA.
H.R. 3871: Ms. STEFANIK.
H.R. 4137: Mr. LAMALFA.
H.R. 4143: Ms. BASS.
H.R. 4229: Mr. HOLDING and Mr. BRAT.
H.R. 4311: Mr. AUSTIN SCOTT of Georgia.
H.R. 4491: Mr. MOULTON and Ms. NORTON.
H.R. 4525: Mr. CARTWRIGHT.
H.R. 4659: Mr. HILL and Mr. MESSER.
H.R. 4763: Mr. CARTWRIGHT.
H.R. 4903: Mr. BANKS of Indiana.
H.R. 4953: Mr. BRADY of Pennsylvania.
H.R. 4970: Mr. NORCROSS.
H.R. 5012: Mr. LAMALFA, Mr. ROUZER, Mr. CHABOT, Mr. KING of Iowa, and Mr. FLORES.
H.R. 5058: Mr. COSTA.
H.R. 5104: Mr. HASTINGS.
H.R. 5105: Mr. KIND.
H.R. 5107: Mr. BRADY of Texas and Mr. BARR.
H.R. 5155: Mr. PASCRELL, Mr. CARSON of Indiana, Ms. ESHOO, Mr. KENNEDY Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. RUSH, Mr. MCNERNEY, Ms. DELAURO, Mr. MCEACHIN, and Mr. CICILLINE.
H.R. 5199: Mrs. MIMI WALTERS of California.
H.R. 5233: Ms. JAYAPAL, Mr. COFFMAN, Ms. MOORE, and Mr. MEEHAN.
H.R. 5244: Ms. TSONGAS and Mr. MOULTON.

H.R. 5275: Ms. BROWNLEY of California and Mrs. WALORSKI.

H.R. 5281: Mr. WILLIAMS.

H.R. 5313: Mr. NORMAN.

H.R. 5336: Ms. STEFANIK and Mrs. HARTZLER.

H.R. 5345: Mr. PERLMUTTER.

H. Res. 756: Ms. ROYBAL-ALLARD, Ms. TITUS, Mr. GRIJALVA, Ms. NORTON, Mr. SMITH of Washington, Ms. KUSTER of New Hampshire, and Mr. LANGEVIN.

H. Res. 763: Mr. RASKIN and Mr. KIND.

H. Res. 781: Ms. KAPTUR.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164 WASHINGTON, WEDNESDAY, MARCH 21, 2018 No. 49

Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible, God only wise, we praise You that those who trust in You will not lack any good things. We thank You that You are the source of our strength and the strength of our lives.

Guide our lawmakers in all their undertakings. Stay close to them and infuse them with Your Spirit of Wisdom. May they strive for Your approval instead of seeking the approbation of humanity. When our Senators face troubles, rescue them from each one, enabling them to tell of Your excellent greatness. Lord, give them the grace to receive things as they are, while resolving by Your grace to make them what they ought to be.

And, Lord, we pray for the victims and families of the Great Mills school shooting.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, I would like this morning to give an update to my colleagues, given the challenges associated with the weather—and also as we move toward a conclusion of the omnibus.

I have spoken to the Democratic leader. It is my expectation that we will move forward with votes today. We are hoping to move them forward on the sex trafficking bill, moving them up in the day, hopefully, to accommodate safe travel. So we will notify everyone when votes are scheduled.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ALLOW STATES AND VICTIMS TO FIGHT ONLINE SEX TRAFFICKING ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1865, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1865) to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I ask unanimous consent to enter into a colloquy on this legislation with some of my leadership colleagues who are present: first, Senator JOHN THUNE, the chair of the Commerce Committee, who has been very involved in this issue; Senator RICHARD BLUMENTHAL as well, who is the coauthor of the legislation and cochair of the trafficking caucus; Senator CLAIRE MCCASKILL, who is ranking member of the Subcommittee on Investigations; and Senator HEIDI HEITKAMP, one of the original cosponsors of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, I am pleased to be joined by my colleagues this morning in this Chamber as we begin the process of debating the amendments that are being offered and moving toward a final vote on this important legislation to deal with sex trafficking which, unbelievably, in this century and in this country is actually increasing. All of the experts say it is increasing because of the presence of these organizations online that are using the ruthless efficiency of the internet to sell women and children.

It is fitting that this group is bipartisan, because this process has been bipartisan in coming up with this legislation all along. It is really the culmination of 2 years' worth of work—a lot of great work and investigations being done by the Permanent Subcommittee on Investigations, as well as good work being done by the Commerce Committee through regular order. We would not be on the verge of sending this bill to the President's desk without the hard work of every Senator who will be on the floor this morning.

I would also like to briefly recognize a sixth member of our group who cannot be here but whose passion about this issue means that although his presence is not here, it is felt; and that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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is Senator JOHN MCCAIN. Both Senator MCCAIN and his wife Cindy McCain have taken on this issue of human trafficking through the McCain Institute, and Senator MCCAIN, through our work on the Permanent Subcommittee on Investigations, also helped us with this legislation. We wish they could be here for the final vote on this bill. I know JOHN MCCAIN is watching right now and wishing he could be here with us, and we look forward to his return to this Chamber. I thank them on behalf of all of us for their hard work on this issue over the years.

We will hear from my colleagues today on a number of things we have done in Congress in this process of putting together the right legislative fix to be able to take away an immunity, unbelievably, that some of these evil websites currently have under Federal law to be able to sell people online. We will hear about the 18-month investigation into online trafficking by backpage.com by the Permanent Subcommittee on Investigations. We will hear stories about online sex trafficking and some of the injustices experienced by some of the victims and survivors who have come to us back home in our States and who have come to testify bravely in the U.S. Congress.

We will hear about some of the calls from courts around the country asking us to pass legislation to fix this problem; the prosecutors, the U.S. attorneys, the people back home who are eager to prosecute these cases but can't because of Federal law.

We will hear about the work of the Commerce Committee, as I said earlier, helping us come up with a commonsense target bill through the regular order to be sure we would have not just the best legislative product but that we would have buy-in from Members of both sides of the aisle.

I commend Senator JOHN THUNE for doing that. He chairs the Commerce Committee, which held a hearing on this legislation—SESTA—last September. It actually was reported unanimously out of committee after making a few changes to the legislation which clarified the intent in a positive way.

I yield to my colleague JOHN THUNE.

Mr. THUNE. Mr. President, I, too, want to recognize and say to Senator PORTMAN, who has been a leading voice in the Senate in the fight against human trafficking, what a great job he has done getting us to this point. This was a long, multimonth, as he said, 2-year effort. Senator PORTMAN has been absolutely relentless in pushing and driving this process forward. I commend him for his important work, which will culminate today, I certainly hope, with a big bipartisan vote in support of the legislation in front of us.

I also commend the bipartisan group of Senators who worked hard to draft the Stop Enabling Sex Traffickers Act, which includes Senator BLUMENTHAL, whom we will hear from in just a moment; Senators MCCASKILL, CORNYN, and HEITKAMP; and as Senator PORTMAN so very appropriately pointed out, Senator MCCAIN, who has been a passionate advocate for addressing this issue for so many years too. We wish he could be here to participate and vote for passage of this legislation, but we know his work over the years has played an incredibly important role in getting us to where we are today.

This group also helped lead the effort to conduct important investigatory oversight that has helped us to get to the point where we are today.

Last year, as Senator PORTMAN pointed out, I chaired a Commerce Committee hearing on his bill, where we heard testimony from experts on both sides of the issue. We listened carefully to what our witnesses had to say. After the hearing, we worked together to make some targeted changes to the legislation. The bill that ultimately advanced from our committee enjoyed, as Senator PORTMAN pointed out, solid support from the internet industry. It passed the Senate Commerce Committee unanimously.

The bill is strongly supported by Members of both parties. It has racked up lots of bipartisan support: 68 out of 100 Senators are now cosponsors of this bill. The bill is supported by the White House, so we know that as soon as it leaves the Senate, it will land on the President's desk, where it will be signed into law.

It is supported by law enforcement organizations, organizations that fight sex trafficking, and by faith-based organizations.

At our Commerce Committee hearing, we also heard powerful testimony from Yvonne Ambrose, whose daughter Desiree Robinson was sexually trafficked repeatedly before being murdered. Desiree was just 16 years old, a bright and loving girl who dreamed of becoming a doctor in the Air Force. Instead, she was raped and murdered by a man twice her age who had sought her for sex after seeing her advertised on an internet site.

Ms. Ambrose's powerful testimony helped the members of our committee understand the terrible pain that victims of sex trafficking and their families are exposed to. I am very thankful to her for sharing Desiree's story.

This bill has already cleared the House of Representatives by an overwhelming margin.

I encourage my colleagues in the Senate to reject any attempts to slow this bill down with amendments. This has been very carefully and thoroughly vetted through the many processes that Senator PORTMAN described. We need to get this bill over the finish line and on the President's desk and signed into law because there are thousands of children out there who are waiting for our help.

So, again, I commend Senator PORTMAN and our colleagues in the Senate who have worked tirelessly on this legislation. I hope we have a big outcome today, and I hope we can do something really meaningful to address a scourge that this country needs to get rid of.

I know there are others here who have joined us who intend to participate in this discussion.

I yield to the Senator from Ohio.

Mr. PORTMAN. Mr. President, again, I thank my colleague from South Dakota, who has been at the forefront. Getting this bill through the Commerce Committee with a unanimous vote, frankly, exceeded expectations. Many on the outside thought this might be an opportunity for many who are against the legislation to stop the bill but instead we were able, through testimony, to show that this is a commonsense, targeted approach that will make a huge difference in the lives of the people we represent, without affecting the freedom of the internet. That is the right balance Senator THUNE helped us to get.

I see that my colleague Senator BLUMENTHAL is here, whom I talked about earlier. He is a coauthor of this legislation and also a former State prosecutor who took on trafficking cases, and so he has a professional background in prosecuting these cases and, therefore, joined me in ensuring that this legislation allows for our State and local prosecutors, who are going to take many of these cases, to be able to sue these websites that are selling people online using the current shield in Federal legislation. But after this legislation, prosecutors will be able to successfully prosecute to stop this criminal activity.

Mr. President, I yield the floor to Senator BLUMENTHAL.

Mr. BLUMENTHAL. Mr. President, I am proud to be here as a former U.S. attorney and the chief Federal prosecutor in Connecticut.

I have been involved in law enforcement for most of my career, and I am proud to stand here now in this Chamber, following the chairman of the Commerce Committee, whose dedication to this cause has brought us to the finish line, and my colleague Senator PORTMAN, whose leadership on this bill is invaluable.

I wish to second a number of points that have been made by Senator PORTMAN and Senator THUNE, most especially about the very collaborative effort involved in this bill—a bipartisan championing of a cause whose time has come—and, particularly, about our colleague JOHN MCCAIN and his wife Cindy McCain, whose energy, spirit, courage, and strength have really been an inspiration to all of us. I also want to thank Senators MCCASKILL, HEITKAMP, and CORNYN, because their contributions have been enormously valuable as well.

There is a face to human trafficking in this country. Here is one of the faces. Desiree Robinson, whose story you just heard from Senator THUNE, is one such face. Her voice is still. Her voice could not be heard directly, but her mother, Yvonne Ambrose, came to our committee and talked about her

beautiful daughter, whose life was lost as a result of sex trafficking. She was killed after she was raped and after she was sold. Her story alone helped us to achieve unanimous approval in the Commerce Committee for this bill, and I hope it will lead us to an overwhelming vote today on the bill before us.

I hope, as well, that it will lead us to defeat amendments that would, in effect, kill this bill—amendments that may be well intentioned, but, in fact, have an effect contrary to their stated purpose.

This bill is completely bipartisan from beginning to end. It is the result of tireless work of advocates, sex trafficking survivors, and a bipartisan coalition of our colleagues. It now has 68 cosponsors. Its companion legislation passed in the House 388 to 25.

It is the product of stakeholder consensus. It has the support of every major human trafficking organization, every major law enforcement group, and every part of the tech community—if not unanimous, at least of many of its leaders.

This bill would clarify section 230 of the Communications Decency Act, which was never intended to give websites a free pass to aid and abet sex trafficking. It was never intended to immunize completely those websites so they could knowingly facilitate sex trafficking. Those words are in the bill—''knowingly facilitate.''

The purpose of our measure, very simply, is to give survivors their day in court. Right now, the courtroom doors are barred to them, as a recent court of appeals opinion remarked, outrageously so. It would also open avenues of prosecution to law enforcement where they are currently roadblocked.

My experience combating sex trafficking at the State level led me to colaunch and cochair the Senate Caucus to End Human Trafficking with Senator PORTMAN, seeking to find solutions to this problem. As a State prosecutor, I was told that I could not pursue actions again craigslist or other sites nearly a decade ago because of that section and the interpretation.

Clearly, the websites that facilitate this, knowingly encouraging and profiting from sex trafficking, must face repercussions in the courtroom. For law enforcement to succeed in combating sex trafficking, there have to be consequences. The National Center for Missing & Exploited Children reported an 840-percent increase in reports of suspected child and sex trafficking from 2010 to 2015 alone. It found that spike ''directly correlated to the increased use of the internet to sell children for sex.''

Those numbers fail to tell the full story. In fact, this picture is worth a thousand words. This picture of Desiree shows her as a young girl, smiling. In fact, her mom told us that her smile could light up a room. She was a successful student who dreamed of becoming a physician in the Air Force.

When she was in high school, a series of men reached out to her on social media. They pressured and manipulated her into letting them sell her for sex and then advertise her on backpage.com. Her mom, Yvonne, told us what happened next:

> On December 23, 2016, a 32-year-old man by the name of Antonio Rosales was looking through Backpage.com for a child to have sex with, just like countless others before him. . . . He knew Backpage.com was a site to go to in order to find young underaged girls to have sex with. During his search, he came upon a picture of my 16-year-old daughter under the posting, ''New girl in town looking to have fun,'' which was posted by her pimp. Desiree was driven to Antonio's residence by the pimp with the intent of having sex with this 32-year-old man, a man twice her age.
>
> This was the last night of my daughter's life. . . . On Christmas Eve, December 24, 2016, Desiree, my baby, was brutally murdered, and now my life has changed forever. She had been beaten, raped, strangled, and if that wasn't bad enough, he slit her throat, all because she said, no, she didn't want to do this again. She screamed for help, and there was no one around to help her.

Yvonne Ambrose had the courage to come testify before us, and I have repeated this part of her testimony not because it is ennobling or pleasant, but because it is the hard, ugly truth about sex trafficking. It is the reason that we must pass this measure. It is also the reason why we need to defeat the amendments that would send this measure back to the House and its possible demise.

Every one of the groups I mentioned earlier, including Desiree's lawyer, have urged us to defeat these amendments. I will read just one or two sentences from a letter that I received today from Desiree's lawyer about the so-called moderation amendment:

> At first glance, it appears that the Moderation Amendment is disguising itself as a good Samaritan amendment. However, in a nutshell, its effect is a really bad faith Samaritan immunity.

This measure is narrowly tailored. It would ensure that State and local law enforcement can join the fight against these criminal websites. It provides survivors a right of action that would not only be a source of relief for them but also a means of remedy. The Good Samaritan amendment, unfortunately—perhaps, unintentionally—would simply protect the websites.

The people who complain and take action certainly deserve protection. It is in the current law. One of the reasons why we want to defeat this amendment is that it would probably have unintended consequences in protecting websites that identify sex trafficking ads and then leave them up in order to continue profiting from them.

I think the letter from the attorney for Desiree Robinson's estate, Gina DeBoni, objecting to this amendment is a powerful reminder that we need to stick to what we have and what we know will work.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR BLUMENTHAL: At first glance, it appears that the Moderation Amendment is disguising itself as a good Samaritan amendment. However, in a nutshell, its effect is really a bad faith Samaritan immunity.

Not only does the amendment strip the ''good faith'' requirement (that is already accounted for in the current CDA), it creates a new and very expansive immunity for companies charged with all crimes—not just sex trafficking. This is in sharp contrast to CDA's original intent and does nothing but immunize bad actors.

I significantly limits evidence that could be used in any federal criminal action against a website. Because almost every company uses some form of moderation system, the immunity would apply in every case brought under Section 230 going forward.

The CDA has already been crafted to provide immunity to those that are truly using good faith in their screening. This amendment undoes that and instead, creates a new bar to liability.

Moreover, it does not make sense in the real world and has the potential to create devastating consequences. As you know, we represent Yvonne Ambrose, the mother of Desiree Robinson, who was just 16 years old when she was murdered on Christmas Eve 2016. Desiree was not much different than any other 16 year old girl. She was loved by all, and had dreams like all. Like all children, Desiree was vulnerable. It did not take long for her to fall victim to a man who preyed upon her and sold her for a finder's fee to her pimp, Joseph Hazely. Hazely sold Desiree for sex on Backpage.com to Antonio Rosales—her killer. Desiree's case has both a criminal and civil component—Desiree's traffickers and killer have been charged criminally and are awaiting trial. We are pursuing a civil wrongful death action against all that played a part in her death, including Backpage.com.

You heard from Yvonne who testified before the Senate Commerce Committee. There is no better advocate for the passage of SESTA than a mother who lost her child. Desiree represents hundreds of 1000s of children who are knowingly trafficked on Backpage.com. The proposed Wyden amendment cuts Desiree's claim off at its knees, giving bad actors, who are not acting in good faith, a way out—giving them a clearly defined immunity to hang their hat on. It is such a drastic departure from that of the Good Samaritan, taking good faith out of the equation entirely. It will create an insurmountable challenge for lawyers who are fighting on behalf of victims of sex trafficking, not to mention, any victims of any other crime, whether criminal or civil, brought under Section 230.

In practical application, in a case such as Desiree Robinson, this is how it plays out:

We know that Backpage makes an effort to identify and flag ads that are objectionable through its strip word feature. It then affirmatively edits ad that it knows are selling children for sex on its website. Under this amendment, even though Backpage knowingly facilitated trafficking of children when it edited the ads, it would be immunized because it took steps to identify this content, even though it didn't remove it. Surely, immunizing bad actors such as Backpage cannot be the intent of this Congress and all the co-sponsors of this bill.

We know from the Senate report and information obtained via our subpoena to Co-Star Group that Backpage's moderation is relevant and intrinsically connected to their knowing facilitation of sex trafficking. This

amendment removes the consideration of the direct evidence of criminal activity because the amendment broadly excludes all evidence of this nature. In fact, it broadly excludes this type of evidence for ALL civil and criminal matters regardless of the type of crime.

Companies such as Facebook, etc, that have the largest risk or burden are supportive of the SESTA language as is. This amendment is not geared towards good actors but rather companies that are not acting in good faith. The Commerce Committee report clearly provides for good faith moderation—''an ICS would not have their good faith efforts to restrict access to objectionable content used against them.'' Good faith moderation is already protected by the CDA and the passage of SESTA does not negate that.

For the above reasons, we respectfully encourage Senator Blumenthal to vote NO on the Wyden Amendment. I am available any time this weekend or on Monday to discuss further.

Thank you for your consideration.

Regards,

GINA ARQUILLA DEBONI,
Attorney for the Estate of Desiree Robinson
Managing Attorney, Romanucci & Blandin LLC.

Mr. BLUMENTHAL. Finally, there is a funding amendment that has been offered. While well-intentioned, it would, in effect, derail this legislation. It would provide money through Attorney General Sessions to investigate and prosecute websites that criminally facilitate human trafficking.

This amendment, too, is opposed by law enforcement agencies. Yesterday, I put their letters into the RECORD. Every major law enforcement representative agency opposes it because ''the funding amendment is a poison pill that is dead on arrival if sent back to the House.''

I will conclude simply by saying that I believe this measure accomplishes some powerfully important purposes. It would not criminalize the so-called harm reduction communication—information designed to ensure that women and men wrapped up in commercial sex trade can avoid violence, prevent HIV, and access community and support services.

H.R. 1865 was not designed to target websites that spread harm reduction information, and the language of the bill makes that clear. The purpose of this bill is much more narrowly focused: A website user or operator must intend to facilitate prostitution. If their goal is to save lives by providing lifesaving information, they have not violated the law.

Finally, I want to make absolutely clear, this legislation is not intended to prejudice the rights of anyone who has been victimized by a crime online other than sex trafficking. For example, I disagree with the courts that have held that the Communications Decency Act immunizes online firearm sales—like Armslist—for facilitating illegal gun sales. While this legislation does not address those cases, nobody should infer that Congress believes they were rightly decided.

Again, my thanks to all of my colleagues and most especially to Senator PORTMAN for his hard work, his leadership, and his courage in tackling this tough problem, which should bring all of us together. Making SESTA the law of the land will help save lives. It will spare others the fate of Desiree Robinson. It will make sure that more parents see justice, that survivors have their day in court, and that law enforcement has the right to pursue these wrongdoers.

Mr. President, I yield back to Senator PORTMAN.

Mr. PORTMAN. I thank my colleague for his comments and, more importantly, for his leadership all the way through the process of drafting the legislation.

I am now going to yield to one of my other colleagues. It looks like Senator HEITKAMP will be next to speak. She is from North Dakota, not South Dakota, as we talked about earlier with Senator THUNE, and she has a similar passion for this issue and has been involved in this issue for many years and is also on the committee in which we did the PSI work we talked about earlier. I appreciate her being one of our six original cosponsors, helping us to draft this targeted, focused legislation that deals directly with the problem we have seen around the country, which was discussed by Senator BLUMENTHAL.

With that, I would like to yield to my colleague Senator HEITKAMP.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from North Dakota.

Ms. HEITKAMP. Madam President, I am so proud to stand here with my five colleagues, but I also have to acknowledge the one who is not here; that is, Senator JOHN MCCAIN, who has been an absolute champion, along with his wife, on attacking this problem. Five years ago when I met Cindy McCain, one of the first things she said was, what can we do about this?

Working within the Homeland Security Committee, where so much of this work got done—both in the Homeland Security Committee and the Permanent Subcommittee on Investigations—I can't say enough about the commitment of that committee but more importantly the commitment of the leadership of the Permanent Subcommittee on Investigations, both Senator PORTMAN and Senator MCCASKILL, who worked in tandem, who engaged their very capable staff, who did the investigations that led to the exposure of the issues and led to a bipartisan commitment to develop and pass this bill.

I do want to say that I know that JOHN and Cindy are with us today in spirit. I know that Cindy is probably watching because she is very, very excited that finally we are going to get this done. This is such an important tool. This is such an important piece of stopping human trafficking, which has been her lifelong objective and passion. Today, we stand not just with our colleagues who are here on the floor but also with our great friend, Senator JOHN MCCAIN, and his beautiful, active, and wonderful wife, Cindy McCain.

The other reason I am very proud is that this is why I came to the Senate—to work across the aisle to address major issues and challenges, to make a difference in the lives of some of the most vulnerable human beings in our country.

We are here today on the cusp of passing a bill that will provide victims a real opportunity to seek justice and recover damages from websites that profited from their pain of being sold for sex, while also providing new tools to prosecutors, including my former colleagues, the State attorneys general, to go after these sites and their owners.

Again, I thank Senator PORTMAN and Senator BLUMENTHAL for their tireless work in trying to fashion the right mix of understanding the importance of the Communications Decency Act to the development of this tool we call the internet but also making sure this is not used as a tool for incredibly bad actors who would prey on the most vulnerable among us.

Driving this bill and forging a compromise was not easy. This was not easy. No one should think that this came together easily or that we didn't have many moments where we did our own soul-searching, those of us who are committed to the First Amendment and those of us who are committed to free access of means to express our opinions and do our business.

What I will tell you is that this is a big thing. This isn't a little thing. This is a big thing—not only because we are doing it in a bipartisan way but also because we are speaking on behalf of the most vulnerable human beings in this country.

I can't imagine a more heinous act than the sale of human beings on the internet for sex. It is happening in all of our communities. It is happening in our States each and every day.

When I began my journey to the U.S. Senate, I engaged and started visiting with my old friends in North Dakota law enforcement. As I have said many times, I am a former attorney general from the great State of North Dakota and have great friends in law enforcement. Their message was simple. They were seeing a lot more drugs. Obviously, North Dakota was experiencing an oil boom, and that was creating some social upheaval, additional crime, additional concern about crime. They then told me something I didn't expect: We are seeing this incredible rate and increase in prostitution. I thought about that. I thought, well, what does that mean, and how do we investigate it?

So many people would argue that this is a victimless crime and not a priority, and we started looking behind this. My colleagues in law enforcement in North Dakota started doing stings. They did something that peace officers all across the country do: They sat

down with the women they were arresting, and they started listening to their stories. The stories were heartbreaking—stories of being preyed on as young girls, either in their home or as they were running away, the stories of how they got in the life. Many of my colleagues in law enforcement began to say: These women are not criminals; they are victims.

We began to look at what led to this huge explosion, and we started examining all the websites, all the places where, with the tweak of a word or with the opportunity to be anonymous—in the old days, you would have to stand out perhaps on the street corner, but now you can be anonymous, and that gave those perpetrators, those evil human beings, yet another avenue.

That is when we started looking at backpage.com and other sites like it that sell human beings for sex. That occurs in every corner of our country—in the small and big States and in the small and big counties and in oil counties and out east in farming communities. So no one should believe that they are immune or somehow limited because it is going to happen there but not here. One thing we have learned is that it is happening everywhere.

Today, we are saying: No more. The Stop Enabling Sex Traffickers Act would crack down on these horrific crimes online and provide justice for victims. Today, it is going to pass the Senate with broad bipartisan support and head to the President's desk to be signed into law.

In many instances, websites help traffickers skirt law enforcement through online advertising and continue to do so without penalty by claiming their First Amendment rights.

I remember when we in the Permanent Subcommittee on Investigations subpoenaed and had a chance to question the witnesses from backpage.com, and they started talking about their First Amendment rights. I pointed out to them that nothing this body can do can affect someone's First Amendment rights. They were not alleging or saying they were protected by the First Amendment. They knew that wouldn't fly. They said they were protected by the terms of the Communications Decency Act.

Like Senator BLUMENTHAL, I never believed that the Communications Decency Act protected them from prosecution or protected them from civil penalty if they were complicit and, in fact, abetted these crimes. I never believed that, but there were judges in America who did. We met and saw a lot of those judges and read a lot of those opinions and said: We cannot let a law of the U.S. Congress—a law on the books in our country—allow perpetrators who sell children for sex to absolutely avoid any civil or criminal penalty. We cannot allow that to happen—not a law of this country.

We don't have the ability to restrict or modify the First Amendment in this body, but we do have the ability to amend a law that is being used inappropriately to protect the most hideous criminals in America. No law should put anyone above liability if they are actively involved and complicit in selling children for sex.

As we stand here today, we know we are doing something that we hope will happen more often in the Senate. We are standing for those victims, those parents, those children, those women who are still in the struggle of human trafficking, those children who are still in the struggle of human trafficking. We are standing with them today to say: No more. People who will illegally profit from selling children for sex are going to be held accountable. So the message needs to go from this body, it needs to go from the signature on this bill, that that protection you have been alleging—inappropriately hiding behind the Communications Decency Act—ends, and it ends with the passage of this bill.

I couldn't be prouder of the work my colleagues Senator MCCASKILL and Senator PORTMAN did on the Permanent Subcommittee on Investigations. You exposed the facts that led to the argument that led to the passage of this bill. I am proud to stand with you. I am proud to work to make sure that this bill is appropriately implemented. I look forward to the first prosecution of someone who sells children for sex on the internet, profiting from the web page they created.

With that, Senator PORTMAN, thank you so much for your excellent work. Senator MCCASKILL, thank you for your excellent work. I stand proud with you today and know that we are making a difference today.

Today, the U.S. Senate will make a difference for the most vulnerable human beings in our country.

I yield the floor.

Mr. PORTMAN. I thank my colleague for the expertise and experience she has brought to this effort. As she said, in the Permanent Subcommittee on Investigations, we spent 18 months digging deep, trying to figure out why this was happening, why we had an increase in trafficking in this country in this century, and increasingly we were told that this was because of the internet, moving from the street corner to the smartphone. Trafficking survivors and victims told us this, but so did the experts.

Senator HEITKAMP jumped in, and the leadership of that subcommittee included Senator MCCASKILL. She is no longer the ranking member. She has gone on to bigger things—to be ranking member of the full committee—but during this investigation of 18 months, she was the ranking Democrat on our subcommittee, and I appreciate working with her there. She is a former prosecutor. She knows how to dig deep for this information, and she had a good staff. She also was very helpful to us in helping to enforce the subpoenas.

I will let her tell the story, but this is really incredible. We knew this one website, backpage.com, was engaged in this effort because we heard about it all over the country. In my home State of Ohio, women and girls would say they were trafficked on backpage. If I talked to a dozen victims or survivors, 10 would say backpage. The National Center for Missing & Exploited Children said that 75 percent were backpage. Another group said: No, it is 80 percent.

In other words, we knew this was happening, but we couldn't get the information because although we subpoenaed documents and subpoenaed their testimony, they refused to show up and refused to give us documents. We had to go through an extraordinary process. I will let Senator MCCASKILL talk about it, but for the first time in 21 years, this Senate did something that was critical to our investigation. I want to thank her for her hard work, and I would like to yield time to her to talk about it.

Mrs. MCCASKILL. Madam President, I thank my colleagues. I think we have spent a lot of time on the floor thanking each other, which is a good thing. Unfortunately, too often, we go back to tribal warfare after we thank each other, but this is an example of when we have worked together in a bipartisan way. So I think those ''thanks'' are justified, particularly in this case when there has been an honest and true bipartisan effort to get at a very serious problem in this country. It was a pleasure to work with my colleague Senator PORTMAN as we did this investigation.

So how do I come to this place? I come to this place as somebody who had spent a significant part of her career in the courtroom prosecuting sex crimes. I think I can say with confidence that I prosecuted more sex crimes than any other Member of the U.S. Senate. I can't speak for the House because I am not familiar with the backgrounds of all of the House Members.

I spent years as an assistant prosecutor. For part of that time, I was the only woman in the office, and for some reason, they thought that was a good reason to have me gain expertise in the area of sex crimes. I was happy to take on the responsibility of handling a lot of those cases as a young assistant prosecutor, going into the courtroom and arguing cases to juries, holding the hands of victims, crying with their families, trying to find that special spot that is called justice in a system that is sometimes stacked against the victims of these kinds of crimes. I went on to be the elected prosecutor in Kansas City and tried to continue our strong stand against all forms of sex crimes, including against the people who were profiting off of selling sex.

It is important to remember that when we began this investigation in the Senate, we were dealing with someone who didn't want to cooperate. What we learned through the investigation was that this law, as it exists now,

was their protector. They were being protected for their bad acts by an outdated law that had been twisted and distorted to allow them to make billions of dollars of profit and, frankly, millions, upon millions, upon millions of dollars of profit off of trafficking young women for sex. The prosecution of cases is not driven by headlines. It is not driven by press conferences. It is not driven by photo ops. The prosecution of cases is driven by evidence. You only get evidence after having a thorough and complete investigation, and it has to be in-depth.

I know that Senator PORTMAN will relate to this. Can you imagine, when backpage said, ''We don't want to talk to you,'' if we had said, ''OK. That is fine''? Can you imagine, when backpage said, ''We refuse to be interviewed,'' if we had just said, ''OK. No problem. We don't have any evidence of wrongdoing. Let's just go on our way''?

Instead, when we were confronted with their stubborn unwillingness to participate in a U.S. Senate investigation, we did what was necessary to hold them accountable, and it involved the cooperation of the entire Senate. Once they rebuffed our subpoenas and refused to show up, and once they said, ''No, we don't have to give you anything because of the current law as it relates to section 230'' and we said, ''No, that is not true,'' we got the entire U.S. Senate to back us up—every single Member.

I don't know how unusual it is in this day and age to have zero on one side of the ledger in the U.S. Senate. I don't know about Senator PORTMAN, but I have seen it very few times. Now, there is usually one or two who hang out there for some reason or another, no matter how uncontroversial a piece of legislation is. Yet, in this instance, we got everybody. Everybody who voted said: Yes, let's take backpage to court and assert our ability under the Constitution and the law to investigate. We took them all the way to the Supreme Court, and we won that case.

What happened after that is really important for people to understand because there were lots of folks around the country who were trying to get at backpage's conduct, but it was able to use this law to protect itself. There were two things we did that were very important for prosecutors after our investigation.

The first thing we did was to send the whole file over to the Department of Justice for referral. It sits there now—all of the information we have about backpage—at the Department of Justice, and I am hopeful that it is using that information and all of the documentation we were able to obtain to pursue bad acts and criminal violations by backpage.

The other thing we did with the vote of the Senate and the cooperation of the Senate is to open up our files to any prosecutor or attorney general in the country. I would certainly call on the attorneys general of this country and call on the local prosecutors in this country to access these documents that are available to them now and to use them in the investigations they have of people who might have actually used backpage to traffic young women and sometimes children.

Why is this law so important? If I am looking at this through a prosecutor's lens, now all of the prosecutors in the country can go after anyone who knowingly facilitates sex trafficking online. I am not saying when it is by accident, and I am not saying when it has slipped through and they don't know it; I am talking about to knowingly facilitate, which is what backpage was doing. Once we got all of its documents, we learned it was knowingly facilitating sex trafficking on its web page.

Not only can individuals walk in the courthouse and get a moment of justice through civil action, but now attorneys general can take civil action, even in Federal court, against these websites. Most importantly, where most crime is prosecuted in this country, they can go after these folks.

I don't think most Americans realize—I know a lot of Missourians don't realize—that upwards of 90 percent of the crime that is prosecuted in this country is done by local prosecutors. FBI agents don't answer 9–1–1 calls. FBI agents get to pick where they investigate. U.S. attorneys get to choose which cases they take. Local prosecutors do not. They take everything. They have to go after every crime that is committed in their jurisdictions. There may be concurrent Federal jurisdiction, and they may work with the Federal Government on a bank robbery or maybe on a murder when the body is moved across a State line. Yet I don't think most Americans realize that for most crimes in this country, the Federal Government doesn't even have jurisdiction. The Federal Government cannot prosecute a rape case anywhere except in the District of Columbia or a territory. That is all done by State and local prosecutors.

The most important part of this bill to someone who is deeply steeped in local prosecutions is the tool it gives our frontline of law enforcement in this country—the people who answer the 9–1–1 calls, the people who respond to the emergency room when a young, 15-year-old girl wanders in, like she did in St. Louis, saying she had been trafficked up and down the interstate and was coming to the emergency room for help. It was not the FBI that responded. It would have been the local police who had responded to that emergency room to find out what the facts had been and who had determined how to go forward. This is a new tool in the toolbox of the frontline of criminal prosecutions in this country, and I am so proud to have been a part of it.

I know there are going to be some amendments offered. I am confident they will be voted down. By the way, everyone wants to support more resources for this. So in an effort to try to amend the bill so that it has to go back to the House, the notion that one of the amendments is of needing more resources is one of those jujitsu moves that we do around here, frankly, that is not always productive.

Of course, we all support more resources for sex trafficking prosecutions and investigations, but we don't want to amend this bill right now because it has to get to the President's desk so that we can get busy and get after this crime and do what we need to do in this country in order to hold the people accountable who are profiting off the backs of people who sell children for sex.

I thank the Presiding Officer, and I thank my colleague Senator PORTMAN for all of his work and cooperation on this issue.

I yield the floor.

Mr. PORTMAN. Madam President, I thank Senator MCCASKILL. She is absolutely right. We are grateful to the entire Senate for jumping in on this because we would not have gotten to the bottom of this without our having gotten the Senate to decide for the first time in 21 years this question: Are we going to enforce the subpoena or not? People stepped up. As a result, through the court system and with the sanction of criminal liability as a possibility, we were able to get these folks to come forward and provide this information.

They never really testified. They came forward, and they claimed their Fifth Amendment rights, but at least we were able to get 1 million pages of documents—1 million pages. Then we sifted through 1 million pages of documents to discover, lo and behold, that these people actually knew what they were doing. In fact, they were altering ads. They would get an ad from somebody who was selling an underaged girl. The ad would read something like ''schoolgirl'' or ''cheerleader'' or ''young girl.'' They would then edit that ad to take out those words that would indicate what was going on, and they knew it was going on. Then they would place the ad anyway. In other words, they would make the money, make the profit, knowing that they were selling an underaged girl online. They were also destroying the evidence that, later, law enforcement could use in going after these people.

This is evil, and this has been happening. We have heard the stories. We have talked about Yvonne Ambrose. We have talked about Kubiiki Pride. We have talked about Nacole S. We have talked about some of these mothers and their daughters who have gone through this horrific situation. You also heard earlier about Desiree. This was the 16-year-old who was being sold on backpage, and on Christmas Eve, she was murdered. Imagine getting that call as a parent.

We have talked before about the testimony we received in the committee with regard to the 14-year-old girl who had gone missing. Kubiiki Pride is her mom. Kubiiki Pride said she had been

missing for several weeks when someone finally told her: Why don't you check on backpage.com. So she did. She went on backpage.com and found her daughter, who had been missing for weeks. Imagine the mixed emotions there—the relief of finding her daughter but her horror in seeing the explicit sexual photographs of a 14-year-old who was being sold for sex.

She did what you would do as a mom. She called backpage immediately and said: I found my daughter on your website. She is 14 years old. Thank you for taking down that ad and helping me to connect with my daughter.

The answer from backpage.com was this: You didn't pay for the ad. We will not take it down.

Again, talk about evil. Think of the heartbreak.

Then, later, when she was reunited with her daughter, she was one of those brave moms and her daughter was one of those brave victims who said: Do you know what, we are going to file a lawsuit and go public with this and talk about our experience—the trauma that this young, 14-year-old girl had gone through in having been repeatedly raped by older men—and we are going to hold these websites accountable.

Do you know what happened?

The court system said: I am sorry. Under a Federal law that was passed by the Congress—a 21-year-old law—this website is not culpable. It has a shield. It has an immunity.

That is why we are here today.

Justice cannot always be seen, but its absence is felt, and the absence of justice is exactly what we are trying to address here today.

You have heard from my colleagues, and I appreciate all four of them for speaking up and talking about their experiences and how we got to this point. We may hear from a couple of other colleagues later today who were part of helping us put together a sensible approach that targeted this activity. Sure, we have freedom of the internet on the one hand, but on the other hand, this is criminal activity that cannot continue to go on here in America, in this century, at this time.

Again, as we have learned, this is where you see the increase in trafficking. You not only hear this from the experts who give us their data that show huge increases in trafficking reports, but you also hear it and feel it from the victims and the survivors whom I have met with in Cleveland, in Cincinnati, in Columbus, in Dayton, in Akron. They have told me the same story, which is: Yes, I was sold online. It is very efficient.

One 9-year-old girl was sold online by her father. I first met her when she was almost 20 years old and had finally escaped from the clutches of her own father.

Think about that—backpage's going from sporting event to sporting event around the country and, online, one being sold many times on a single night with the efficiency of the internet.

This is legislation that is overdue, in my view, and it is required. The courts have told us that. The district attorneys have told us that. The attorneys general have told us that, and 50 of them sent us a letter, writing to make this change. They have all said: Congress, step forward. They have not just invited us to do it; they have welcomed us to pass this legislation to give these families the justice they deserve and to give our prosecutors the ability to go after them.

One thing that I hope has been made clear from the other comments we have heard today is that one of the important parts of this legislation is to simply allow these local prosecutors we talked about earlier to take these cases while using the Federal standard rather than just relying on the Department of Justice.

Having said that, sifting through those 1 million pages, our report, with all the documents we received, you can go online to see this at the Permanent Subcommittee on Investigations, PSI.

We did provide this to the Justice Department. We did provide this to the prosecutors around the country who were interested. We did provide it to others who are pursuing lawsuits so they have information now that they never had before, but we also need to change the law, and that is what we are about to do today.

You heard from my colleagues about the amendments that are likely to be offered. There are two amendments. The first amendment is one that is going to be called a moderating amendment, meaning that if somebody is on their website moderating the website, cleaning up the website, they should be given a good-faith acceptance. Let me just be clear. This amendment is a poison pill and will make it easier for those sites that are involved in sex trafficking to continue to do so.

Right now, under current law, there is a good-faith exception. There is a Good Samaritan exception under current law. We actually restate that in our legislation, to be absolutely clear, that if you are one of the good guys—a website online—who wants to be sure your site is not going to have these girls being sold that we talked about earlier, that you should be protected. However, this legislation, having restated the Good Samaritan provision, also says that if you are one of the bad actors, you don't have that protection. The first amendment that is going to be offered includes protections for some of the bad actors. It purposely strips the good-faith element, and I believe it would assist online sex traffickers rather than hold them to account.

For instance, if backpage or another website filters for illegal content and, as a result, learns that their site is being used for trafficking but ignores that activity, I think this amendment would say that evidence could not be considered in a case against backpage. To me, that is wrong, and I hope the first amendment is going to be handled appropriately, which is to say, we don't want to weaken this bill or have a poison pill in here.

By the way, the law enforcement community represented nationally by their associations agrees with us, as do the victims groups, as do the groups who are concerned about the effect of trafficking on girls, women, and boys online. So we are together on this with all the outside groups.

The second amendment is going to be asking for additional Department of Justice resources specifically to combat online trafficking. I support funding to investigate and prosecute traffickers, of course, but we have to appropriate that funding in the proper manner. This amendment would be subject to a budget point of order because it is not going through the right process. The right process is the bill we are taking up the day after tomorrow, which will be the spending bill.

In fact, there are three budget points of order that the Committee on Budget in the U.S. Senate has found against this amendment. This amendment is subject to points of order. Every law enforcement group in the country opposes the amendment because as law enforcement said, it is a poison pill that is dead on arrival if sent back to the House. We have to defeat these amendments in order to have this legislation move forward. I hope my colleagues will all stick with us on that as they stuck with us through this process of getting the information, coming up with the right legislation, being sure we have the opportunity to take it to the floor and get it to a clean vote, get it to the President's desk and get it signed, and starting in a couple of weeks to be able to make a difference in the lives of the people we represent, stopping the online trafficking that is occurring and providing justice to those who are victims and survivors and ensuring that, indeed, justice can be served.

One of my colleagues has joined us on the floor. Senator NELSON is the ranking Democrat on the Commerce Committee that took up this legislation and clarified some points in the legislation. By the time he was done with it—and, by the way, he was a cosponsor of the legislation long before that—but by the time the Commerce Committee was done clarifying the legislation, listening to the testimony from both sides, he received a unanimous vote in committee. That doesn't happen very often, and I appreciate Senator NELSON being on the floor today. More importantly, I appreciate his leadership on the issue.

Madam President, I ask unanimous consent additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
March 7, 2018.

MEMORANDUM

To: Hon. ANN WAGNER.
From: American Law Division.
Subject: Ex Post Facto Implications of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (H.R. 1865), as Passed by the House of Representatives.

This is in response to your request for an analysis of the ex post facto implications of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA) (H.R. 1865), as passed by the House of Representatives in February, 2018. You expressed particular interest in the ex post facto implication of Section 4 as it relates to Section 230 of the Communications Act of 1934 (Section 230) (47 U.S.C. §230), originally enacted as part of the Communications Decency Act of 1996.

As discussed below, the Constitution's Ex Post Facto Clauses limit congressional and state authority to pass legislation that applies retroactively. Because Section 230(e)(5)(B) and (C) would amend the Communications Act to allow states to prosecute online facilitators of sex trafficking but would not create any new federal crimes or enhance the punishment for any existing federal crimes, the Ex Post Facto Clause does not appear likely to bar Congress from making these amendments. In addition, Section 230(e)(5)(A), which amends Section 230 to allow civil causes of action under 18 U.S.C. §1595 for 18 U.S.C. §1591 violations, does not appear to violate the Ex Post Facto, Due Process, and Takings Clauses.

DISCUSSION

Among other things, Section 230 of the Communications Act protects online providers of internet services from being treated as publishers of information provided by other entities. Section 230 states: ''No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.'' Section 230 does not bar criminal prosecutions under federal law.

Courts have found Section 230 to prevent states from enforcing state laws intended to reduce sexual abuse of minors. For example, in 2012, a court found Section 230 to bar state prosecution of an online classified advertising service pursuant to a state law that criminalized advertising commercial sexual abuse of a minor. Other courts have construed Section 230 to immunize online classified advertising services from civil liability.

Among other things, FOSTA is intended to clarify that Section 230 of the Communications Act does not protect providers and users of interactive computer services from federal and state criminal and civil laws relating to sexual exploitation of children or sex trafficking. The relevant substantive provisions FOSTA include:

Section 3 (proposed 18 U.S.C. §2421A), which would proscribe ''promotion or facilitation of prostitution and reckless disregard of sex trafficking,'' authorize restitution, and provide a civil cause of action for the victims of such an offense;

Section 4, which would amend Section 230, to ''ensur[e] [the] ability to enforce federal and state criminal and civil law relating to sex trafficking'';

Section 5, which would amend 18 U.S.C. §1591, which proscribes certain aspects of commercial sex trafficking of children or by force, fraud, or coercion, by defining the term ''participation in a venture'';

Section 6, which would amend 18 U.S.C. §1595, which establishes a cause of action for damages and attorneys' fees to benefit victims of violations of 18 U.S.C. ch. 77 (18 U.S.C. §§1581–1597) (relating to peonage, slavery, and trafficking in persons, including commercial sex trafficking), to allow state attorneys general to bring civil actions on behalf of victims of commercial sex trafficking.

Section 7, which would establish a savings clause relating to pending federal and state criminal and civil litigation.

Section 4 of FOSTA addresses the scope of Section 230's grants of civil and criminal immunity. It reads:

(a) In General.—Section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)) is amended by adding at the end the following:

''(5) No effect on sex trafficking law.—Nothing in this section (other than subsection (c)(2)(A)) shall be construed to impair or limit—

''(A) any claim in a civil action brought under section 1595 of title 18, United States Code, if the conduct underlying the claim constitutes a violation of section 1591 of that title;

''(B) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 1591 of title 18, United States Code; or

''(C) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 2421A of title 18, United States Code, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant's promotion or facilitation of prostitution was targeted.

(b) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act, and the amendment made by subsection (a) shall apply regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment.

Section 4(b) clarifies that the Section 4(a) amendments apply retroactively, which raises the possibility of ex post facto issues. With respect to Congress, the Constitution provides that ''No . . . ex post facto Law shall be passed,'' and, with respect to the states, the Constitution provides that ''No State shall . . . pass any . . . ex post facto Law . . .''

Proposed Section 230(e)(5)(B) and (C)

Proposed Section 230(e)(5)(B) and (C) concern state criminal prosecutions. Section 4 of FOSTA would amend existing federal law to remove impediments to criminal prosecution under state law as described in proposed Section 230(e)(5)(B) and (C). Strictly speaking, it would neither create new federal crimes nor enhance the punishment for existing federal crimes. Thus, on its face, it would not appear to violate the Ex Post Facto Clause that binds Congress. Because Section 4 does not contemplate state enactment of retroactive legislation, it would not appear likely to violate the Ex Post Facto Clause that applies to states. It is possible, however, that an argument could be made that allowing prosecution for parallel state offenses effectively enhances punishments for 18 U.S.C. §1591 and proposed 18 U.S.C. §2421A violations retroactively.

The Supreme Court has considered two ex post facto cases that involved removing impediments to state prosecution and punishment—Stogner v. California and Dobbert v. Florida. In Stogner, the Supreme Court found a California statute that attempted to revive expired statutes of limitations to violate the Ex Post Clause. The Court stated:

The second category [of Calder v. Bull's inventory of statutes that violate ex post facto]—including any law that aggravates a crime, or makes it greater than it was, when committed—describes California's statute as long as those words are understood as Justice Chase understood them—i.e., as referring to a statute that inflicts punishments, where the party was not, by law, liable to any punishment. After (but not before) the original statute of limitations had expired, a party such as Stogner was not liable to any punishment. California's new statute therefore aggravated Stogner's alleged crime, or made it greater than it was, when committed, in the sense that, and to the extent that, it inflicted punishment for past criminal conduct that (when the new law was enacted) did not trigger such liability.

In Dobbert v. Florida, the Court considered a Florida statute that sought to revive the death penalty. Dobbert had committed murder, then a capital offense, several months before the Court decided Furman v. Georgia, which invalidated Georgia's, and by implication Florida's, procedures for determining death sentences. After reinstating the death penalty with constitutionally valid procedures, Florida prosecuted Dobbert, and sentenced him to death. The Court found no ex post facto violation. ''The new statute simply altered the methods employed in determining whether the death penalty was to be imposed; there was no change in the quantum of punishment to the crime.'' The Court explained further:

Petitioner's second ex post facto claim is based on the contention that at the time he murdered his children there was no death penalty in effect in Florida. This is so, he contends, because, the earlier statute enacted by the legislature was, after the time he acted, found by the Supreme Court of Florida to be invalid under our decision in Furman v. Georgia, 408 U.S. 238 (1972). Therefore, argues petitioner, there was no valid death penalty in effect in Florida as of the date of his actions. But this sophistic argument mocks the substance of the Ex Post Facto Clause. Whether or not the old statute would, in the future, withstand constitutional attack, it clearly indicated Florida's view of the severity of murder and of the degree of punishment which the legislature wished to impose upon murderers. The statute was intended to provide maximum deterrence, and its existence on the statute books provided fair warning as to the degree of culpability which the State ascribed to the act of murder . . . Here the existence of the statute served as an operative fact to warn the petitioner of the penalty which Florida would seek to impose on him if he were convicted of first-degree murder. This was sufficient compliance with the ex post facto provision of the United States Constitution.

Because Section 230(e)(5)(B) revives the prospect of state prosecution for conduct outlawed by 18 U.S.C. §1591, it seems analogous to Dobbert and critically distinct from Stogner. In Stogner, the defendant could not be prosecuted until the impediment was removed. Under proposed Section 230(e)(5)(B), defendants could be prosecuted before the impediment's removal if 18 U.S.C. §1591 proscribed the underlying conduct. In Dobbert and under proposed Section 230(e)(5)(B), the defendant knew beforehand that government authorities considered the underlying conduct criminal and warranting punishment under the law.

Proposed Section 230(e)(5)(C) is different because dual state and federal prosecutions would only occur after proposed 18 U.S.C. §2421A's enactment and, consequently, any conduct subject to revived state prosecution would not have been a federal crime when the conduct occurred.

However, Section 230(e)(5)(C) would create no new federal crime or enhance punishment

for any pre-existing federal crime and only impacts state law. We have been unable to locate any case that indicates that the Ex Post Facto Clause limits Congress's legislative authority in such a situation.

Proposed Section 230(e)(5)(A)

Proposed Section 230(e)(5)(A) concerns civil causes of action. Section 230(e)(5)(A) would remove Section 230 bars to causes of action under 18 U.S.C. §1595 and predicated on 18 U.S.C. §1591 (relating to commercial sex trafficking) violations. Ex Post Facto Clauses ordinarily do not apply to statutes providing retroactive civil remedies. The Supreme Court has stated: ''Because [the Court will] ordinarily defer to the legislature's stated intent, only the clearest proof will suffice to override legislative intent and transform what has been denominated a civil remedy into a criminal penalty.'' Section 1595 appears to be remedial in contrast to the criminal provisions in the same chapter of Title 18 of the United States Code, including Section 1591.

Retroactive civil remedial statutes raise Due Process Clause and, occasionally, Takings Clause concerns. The Court has not presumed retroactivity in civil cases unless such legislative intent is clearly indicated. When legislation is explicitly retroactive, the Court's due process analysis generally is more forgiving than its ex post facto analysis. The Court has stated: ''Provided that the retroactive application of a statute is supported by a legitimate legislative purpose furthered by rational means, judgments about the wisdom of such legislation remain within the exclusive province of the legislative and executive branches.'' Section 230(e)(5)(A) appears to have a legitimate legislative purpose—to make facilitators of commercial sex trafficking compensate its victims and, having a narrowly drawn cause of action, its means appear rational.

In rare cases, retroactively imposing liability on private parties raises Takings Clause claims. The Court in a 5–4, plurality decision, Eastern Enterprises v. Apfel, found it unconstitutional to require coal companies to cover health care expenses of retired miners whom they had employed before exiting the coal industry. Four members of the Court found the legislation violated the Takings Clause because it ''imposes severe retroactive liability on a limited class of parties that could not have anticipated the liability, and the extent of that liability is substantially disproportionate to the parties' experience.'' Justice Thomas concurred, but wrote separately to suggest revisiting whether to apply the Ex Post Facto Clauses in civil cases. Justice Kennedy concurred in the judgment, but maintained that a Due Process standard provided a more appropriate analysis. The four dissenters agreed that the Due Process Clause should control and that, accordingly, the legislation was constitutional. It is not clear, however, that Section 230(e)(5)(A) would impose retroactively the kind of massive, unanticipated civil liability at issue in Eastern Enterprises.

Mr. PORTMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I thank the Senator from Ohio for his gracious comments.

I just simply want to say my part as to why it is so important that we pass this legislation, because it is very obvious that an untold number of women and children in the United States are being sold into sexual slavery via the internet, and we now have an opportunity to do something about it by passing this legislation.

It is so bad. With just a few clicks or a few punches on an iPhone, victims from all walks of life and across all parts of the country are being forced into brutal slavery and unspeakable crimes.

I want to repeat that. I want Americans to understand what is going on behind the scenes. Women and children are being forced into sex slavery in modern-day America. It could very well happen to someone you know.

We have continuing stories in our history of what happened when slavery was brought to the New World—first, to Arabia, off the East Coast of Africa, and then, of course, the European nations later were going down with their ship captains. The Portuguese actually ended up having the most slaves transported to the New World by way of South America. The English and most European nations got into the act of these unspeakable crimes, slave ships going down the west coast of Africa, enslaving Africans themselves or by agreement with a particular tribe that would go out and capture members of an opposing tribe.

We have heard, over and over, the untold stories of the inhumanity of stacking people body-to-body in the holds of these slave ships. It finally took a civil war to settle the issue. That was slavery. That was slavery we opposed and now all of our laws try to protect against, but here in modern-day America, the same thing is happening, and it is happening because of the advances of technology using the internet. If this is not a wake-up call, I simply don't know what is.

According to the human trafficking hotline, my State of Florida has consistently ranked in the top five States in human trafficking cases. Florida was third in the country for the number of cases reported in 2016 and 2017, and that is just what we know about. It is just unacceptable, and it is wrong.

Tens of thousands of Americans, predominantly women and children, are subjected to this horrific reality. You can imagine the pain and the suffering they are subjected to. No one in the country should have to endure this kind of forced slavery. No child or woman in Florida, in America, should ever be trafficked for sex. To even contemplate that should offend any person's sense of decency and humanity.

The question before the Senate today, thanks to the leadership of a number of our colleagues is, Why aren't we going to do everything we can to stop these heinous crimes?

The bill we are considering on the Senate floor would help us shut down despicable websites that enable this sex trafficking. Don't kid yourself. These shady and these highly profitable website operators know full well how their sites are being used. What is more, they are hiding behind a decades-old legal shield to immunize themselves from prosecution. We have to change that legal shield that was set up a decade ago for a different purpose.

The bill sponsored by Senators PORTMAN, BLUMENTHAL, MCCAIN, HEITKAMP, and myself—and now many others—would eliminate the safe harbor in law for sex traffickers, and it would allow State attorneys general, other State and local prosecutors, and the victims themselves to go after the websites that knowingly provide a platform for sex trafficking. It would also make key changes to Federal criminal law to enable law enforcement to better target websites.

The purpose of the legislation is simple. Let's get it passed, get it signed into law, and let all of these various law enforcement entities be able to do their job. This legislation is an extensive bipartisan product by our congressional colleagues. It proves, once again, what we ought to be doing around here on almost everything, and yet we rarely do. It proves, once again, that if you cross party lines and put things together in a bipartisan way, you can tackle the important, lifesaving issues, such as this one, and we can get something done. Let's show today that we can get something done that really makes a difference to Americans.

It is a privilege for me to be involved in a bipartisan way with this legislation and to have worked with our Commerce Committee to get a unanimous vote out of the committee. I hope this legislation is going to serve as a wake-up call to the morally bankrupt website operators: We are coming after you. It seems like every day there are new ways that many bad actors are exploiting internet content and data to undermine society.

Obviously, the internet has been magnificent for so many of us, but now when technology advances, you have to be on your guard about how new technology is used for the bad operators. This bill is going to address that. We can't sit by idly any longer. We have to act today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that at 1:45 p.m., today, Senator WYDEN be recognized for up to 60 minutes to offer and debate concurrently his amendments Nos. 2213 and 2212; that those be the only amendments in order; and that following the use or yielding back of that time, the Senate vote in relation to the amendments in the order listed with a 60-vote affirmative threshold required for adoption of each amendment; finally, that following disposition of those amendments, the bill be read a third time and the Senate vote on passage of the bill, as amended, if amended, without debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Madam President, I am pleased to report that the appropriations package is currently being finalized. I will have more to say once the bill has been filed, but I am proud to announce it will meet a number of vitally important objectives. This includes the largest year-on-year increase in funding for our servicemembers in 15 years, along with major steps forward for law enforcement and border security, for the fight against opioid addiction, for our veterans, and for a number of other priorities.

Madam President, before we take up that measure, the Senate has a very important piece of business to tackle. This afternoon we will vote on the anti-sex trafficking legislation we have been considering this week. I want to thank Senator PORTMAN, who has worked hard to advance this reform, and Chairman THUNE, for shepherding it through the Commerce Committee.

Many of us have paid careful attention to the scourge of child trafficking over the years. It has been a high-priority issue for me, for example, since before I arrived in the Senate. But as traffickers move their crimes from the street corner to the smartphone, the data tell us unambiguously that more action is required.

The legislation before us reforms a misused provision in a 1996 telecommunications act, which currently shields companies that facilitate and profit from the disgusting exploitation of women and children.

Later today, my colleagues will have the opportunity to implement commonsense reform with the potential to change vulnerable children's lives for the better.

I urge every one of us to vote to pass it.

TAX REFORM

Now, Madam President, on a final matter, we have been talking for months about the ways tax reform is helping to jump-start the economy, bolster family budgets, and make life better for millions of Americans. Just a few months in, many such stories have already made front-page news—the tax reform bonuses, raises, and benefits for 4 million workers and counting; the new investments and new hiring from businesses large and small; the bigger paychecks for middle-class Americans as the IRS withholds less of their money.

Other exciting parts of this once-in-a-generation reform aren't receiving the attention they deserve. Today, for example, is an initial deadline for States to nominate areas they would like to be designated as ''opportunity zones.'' This is thanks to a provision incorporated into tax reform through the unflagging dedication of our colleague, Senator SCOTT.

The premise here is simple. The best way to breathe new life into struggling communities is not to invent some new Federal program; it isn't to throw government money into one more top-down, tax-and-spend scheme. No. The best way to help rural areas, small cities, and suburbs left behind by the Obama-era policies is to get the government's foot off the brake and let the free enterprise system flourish. It is to make those communities attractive places to do business, open new facilities, and create good-paying jobs. This is exactly what tax reform does by deferring capital gains taxes on income that is invested in distressed areas that receive this ''opportunity zone'' designation.

As one estimate has it, three-quarters of all the jobs created from 2010 to 2016 went to major metropolitan areas. Only 3 percent went to rural America. This provision could help change that.

I know there is a lot of excitement in my State of Kentucky. From coal country to farming communities and everywhere in between, Obama-era overregulation was holding our economy short of its full potential. These opportunity zones offer a shot at real relief. According to the Cabinet for Economic Development, Kentucky may designate as many as 144 new zones, prioritizing growth in areas that need it most.

Or take West Virginia. As my friend Senator CAPITO recently noted, her State understands the problem all too well. One recent study suggested that West Virginia has the third highest proportion of its population living in economically distressed communities. Opportunity zones will make a difference to her State. Of course, so will the rest of tax reform.

A few weeks back, Senator CAPITO reported that Worldwide Equipment in West Sulphur Springs plans to reinvest $8 million in its operations, including more than 1,000 employee bonuses—all thanks to tax reform.

I imagine West Virginians are quite glad that Senator CAPITO used her vote to make tax reform a reality. It is a shame their senior Senator didn't follow suit. It is a shame that he and every other Democrat tried to block it from taking effect. Fortunately, this President and this Congress didn't let that stop us. We accomplished tax reform anyway because we are committed to fighting for all Americans.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I am pleased to be on the floor this morning to thank and to support my colleagues, Senator PORTMAN and Senator NELSON, who have led the effort here before us, an effort that would end sex trafficking over the internet or certainly work to reduce it.

As we think about the scourge that is brought upon our children through a means and a way—we like to think of the internet as a powerful tool, but to know that it can be a powerful tool that truly is devastating to our children and devastating to our families calls for action. So I am pleased to be able to join my colleagues today in urging passage of the sex trafficking bill that we have before the Senate.

I think we all know there are many, many reasons why we need to deter the use of internet resources by predators. The wisdom of this is pretty apparent on its face. This legislation is for the protection of our children—the most vulnerable among us.

I have an additional reason for urging the adoption of this legislation, and that is the protection of Native women and girls from predators. I have been talking about the trafficking of Native women and girls for as long as I have been here in the Senate—now some 15 years. At first, the evidence was perhaps anecdotal. FBI agents who were familiar with trafficking patterns would come to us, and they would say that Alaska Native women were a highly desirable commodity. Even using that terminology is just so offensive, but that is how they were viewed—as a desirable commodity for sex trafficking because they could be trafficked either as White women or as Asian women.

There is a body of evidence that when many Alaska Native women or girls left their villages to go into town or to go to the city, they would literally be stalked by predators waiting to recruit them. We certainly see a prevalence of sex trafficking in Covenant House, which is our youth homeless shelter. We have reports that one in four homeless youth in Anchorage are victims of sex trafficking, and 42 percent of them are Alaska Natives.

As I have been here in the Senate over these years, the way these women and girls have been recruited, have been trafficked, has changed. No longer do you have the predators who are lurking, hanging out on the street corners, but it is the internet. Again, it is this powerful tool that is available to do so much good that is now being used for a predatory purpose. While we don't have the internet coverage in Alaska that you have in the big cities of the lower 48, the internet is used to recruit girls for sex trafficking all over, and I certainly had that confirmed in my last visit when I met with the FBI agents in charge in Anchorage.

It wasn't too many weeks ago that the Senator from North Dakota, Ms. HEITKAMP, and I came to the floor to talk about the urgency of addressing the growing number of missing and murdered Native women in America. Senator HEITKAMP characterizes the problem as epidemic, and I agree with her. I do think it is an epidemic. Native women are victims of violence in unprecedented proportions. Not all of these victims are trafficked, but some are trafficked, and then they go missing. When their services are no longer needed or they find themselves controlled by a particularly violent predator, they never become ''unmissing'' until their bodies may be coincidently found, at which point they are finally regarded as murdered, gone.

I say today that there is an urgency to keep Native women and girls away from predators. While turning off the

internet on-ramp to recruitment may not completely solve the problem, it is a worthy effort in its own right. It is one tool that we need to ratchet back.

We hear from the sponsor of this bill and from so many that enough is enough. It is no longer tolerable. It is time we attack the problem of sex trafficking at the source, and that means doing all we can to make the internet a very inhospitable place for sex traffickers and those who enable the immoral and disgusting trade of our fellow human beings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today to discuss H.R. 1865, the anti-human-trafficking legislation currently being considered here on the Senate floor. Human trafficking is one of the fastest growing criminal enterprises in the world. More than 20 million people in our Nation and around the globe are affected by this modern-day form of slavery.

The criminals who carry out these heinous acts often go after the vulnerable, such as young people who have run away from home or are victims of domestic violence. Women and girls are disproportionately affected. According to the International Labour Organization, 55 percent of total victims worldwide are women and girls. Tragically, children are frequently targeted.

The perpetrators trap their victims in unconscionable and violent situations, forcing them to commit sexual acts against their will. This practice occurs in nearly every area code. It is happening closer to home than we even realize. A report published by Creighton University and the Women's Fund of Omaha found that there are 900 individuals for sale online every month in Nebraska—almost all of them female.

Our government has a responsibility to stand up and do something to protect women and children from exploitation. Fighting the horrific scourge of human trafficking is a priority for me, and it is a priority for the U.S. Senate.

In 2015, we passed the Justice for Victims Trafficking Act, and it was signed into law. I was proud to be a cosponsor of that legislation. The bill set up a deficit-neutral fund to support trafficking victims. Through enhanced reporting and mechanisms to reduce demand, this law provides care for victims of trafficking and child pornography.

Importantly, the law also protects victims in court by treating traffickers as violent criminals. Labeling traffickers in this way means that convicts can now be detained while awaiting judicial proceedings. The Justice for Victims of Trafficking Act represents a strong effort by Congress to stand against human trafficking.

I am proud that, at home, Nebraskans are also rallying together and taking action to stop human trafficking. This past January, the Nebraska attorney general, Doug Peterson, launched Demand An End, a public awareness campaign to stop child sex trafficking. This campaign aims to build on the momentum from legislative bill 298, passed by the Nebraska unicameral, with significantly heightened penalties for those perpetuating and profiting from human labor and sex trafficking.

While I was a member of Nebraska's unicameral from 2005 to 2013, our State made several important legislative strides to address key policies related to human trafficking.

In 2005, the unicameral passed L.B. 111, which established the Missing Persons Clearinghouse in Nebraska. The law created a centralized database with information on individuals who went missing within our State.

Known as Jason's Law for an Omaha young man who went missing in 2001, L.B. 111 was an important advancement to ensure vital information sharing and to prevent the missing from becoming anonymous.

Additionally, in 2012, the unicameral passed the L.B. 1145 to increase penalties for human trafficking and establish a task force to examine issues in Nebraska pertaining to human trafficking, including its scope, possible solutions, and how to assist trafficking survivors. Most recently, I am proud to have joined the ''Demand an End'' campaign and offer my support of AG Peterson's work on this front.

Now is the time to build on these collective efforts and be responsive at the Federal level to stop this evil.

That brings me to the legislation before us today, the Stop Enabling Sex Traffickers Act, or SESTA. I am grateful for the hard work of the Senator from Ohio and the Senate Commerce Committee in making it possible for us to be having this conversation today. Not only did this legislation pass committee, but it received a unanimous vote.

Last fall, during the hearing of the Senate Commerce Committee, Ms. Yvonne Ambrose shared a heartbreaking story with our Members. She told us about her daughter Desiree. Desiree was a wonderful young woman with much potential. She was a high schooler and a member of the Junior ROTC. She dreamed one day of becoming a doctor in the U.S. Air Force.

Like so many teenagers, Desiree was on social media because she wanted to connect with friends and make new friends. By accident, Desiree suddenly found herself in the shadows of the internet on a web page called backpage.com—a platform where men were able to find her, intimidate her, pressure her, and use her to make a profit. On Christmas Eve 2016, Desiree was murdered gruesomely by a 32-year-old man who bought her services online.

Sadly, Desiree's story is not unique. The murky edges of the internet are still enabling predators all over the world to engage in sex trafficking, meanwhile websites like backpage.com continue to sell and exploit people for profit.

Between January 2013 and March 2015, backpage.com earned nearly 100 percent of its profits from adult advertisements. The internet is giving criminals an avenue to commit these crimes, and certain websites are knowingly facilitating their activities as part of an organized network. Compounding the issue, smartphones make it easier for traffickers to complete transactions.

According to the National Center for Missing & Exploited Children, reports of online child sex trafficking skyrocketed by more than 800 percent between 2010 and 2015. Analysis of this major increase showed that it is directly correlated to the increased use of the internet to sell children for sex.

In the months following Desiree's murder, a Chicago newspaper headline read: ''Teen's tragic death shows it's business as usual at Backpage.com.''

The internet can no longer be a place where the perpetrators of these atrocious crimes can hide. It can no longer be business as usual, and that is where SESTA's provisions come in.

SESTA would ensure that section 230 of the Communications Decency Act cannot be used as an excuse anymore for websites that knowingly facilitate sex trafficking. It also would give State law enforcement clear authority to enforce criminal statutes against websites.

I have been dismayed to hear about the obstacles State law enforcement has faced when attempting to prosecute entities knowingly participating in trafficking activities online.

In its current form, section 230 protects websites and internet service providers from liability for content their users create. This has allowed websites that depend on user content, like Twitter and YouTube, to flourish, but it has been misused to effectively provide impunity for bad actors maintaining websites that facilitate sex trafficking.

SESTA is critical to empowering survivors, providing the legal tools needed to seek and receive justice from all those involved in these monstrous crimes. As a cosponsor of SESTA, I hope my colleagues will pass this monumental, bipartisan, and bicameral bill to combat human trafficking today, and I urge my colleagues to vote against amendments that would derail this important and vital legislation.

Thank you.

I yield the floor.

Mr. SCHUMER. Mr. President, today the Senate is voting to pass legislation to crack down on bad actors who abuse the power and potential of the internet to prey upon the most vulnerable among us in human trafficking rings. Websites like Backpage are repugnant, and I applaud my colleagues on both sides of the aisle for their work in holding these bad actors accountable. I also applaud them for working to address the legitimate concerns of good-faith

technology platforms that want to be able to engage in responsible content moderation and take steps to affirmatively stop abuses of their sites.

I am pleased to support this legislation because I believe it achieves the important balance between providing a mechanism to hold accountable sex traffickers while allowing free speech and innovation to continue to thrive. Key to my support is my understanding that this legislation would not allow nuisance lawsuits against technology companies—especially startups—based on bogus claims that they ''facilitate'' sex trafficking. It is also important to me that I believe the legislation as written does preserve Good Samaritan protections for platforms and website operators who engage in good-faith content moderation. Legitimate efforts to monitor for illegal content, shut down trafficking, or report suspected trafficking to law enforcement should not and cannot be the basis for liability under this legislation.

Finally, I want to note that I have heard concerns that this legislation could be misused or abused to penalize websites that promote important health and safety information to survivors of sex trafficking, including about HIV prevention and treatment, and provide access to community and peer support services. This information is particularly critical to the victims of sex trafficking and others who face high rates of violence and exploitation, like people who use drugs, people of color, and LGBTQ people. I believe the use of this legislation to create any liability for this important work would be an impermissible misreading of the statutory language and legislative intent.

Mr. DURBIN. Mr. President, millions of men, women, and children across the world are victims of human trafficking. But it is not a problem that stops at our shores.

Eight years ago, I held a hearing in the Subcommittee on Human Rights and the Law entitled, ''In Our Own Backyard: Child Prostitution and Sex Trafficking in the United States'' to raise awareness about this problem.

Sadly, not much has changed since then. The National Center for Missing and Exploited Children receives about 9,000 to 10,000 reports of suspected child sex trafficking each year. It estimates that more than 80 percent of the trafficking incidents have occurred online. The worst offender is the website Backpage.com, which the National Association of Attorneys General has called a ''hub'' of human trafficking.

The U.S. Senate's Permanent Subcommittee on Investigations spent 2 years looking into sex trafficking and its facilitation online. After a thorough inquiry, the subcommittee found that more than 93 percent of Backpage's ad revenue in 2011 came from its so-called ''adult'' section, with projected revenue reaching nearly $250 million by 2019. However, ''adult section'' is really a misnomer—many of Backpage's ads were designed to sell children for sex.

One of those children was Desiree Robinson of Chicago. When she was 16, Desiree ran away from home. A pimp soon found her and sold her repeatedly on Backpage. On Christmas Eve, Desiree was taken to a garage to meet a john. Hours later, she was found dead in that garage. She had been raped and beaten, and her throat had been slashed.

Last year, Desiree's mother, Yvonne Ambrose, testified before the Senate Commerce Committee about her daughter's tragic murder. She described how her daughter was, quote, ''preyed on and sold online by pimps who took advantage of her.'' She went on to say:

> On . . . December 24th, 2016, Desiree, my baby, was brutally murdered and now my life is changed forever. . . . If there were stricter rules in place for posting on these websites, then my child would still be alive with me today.
>
> The truth is [that] Backpage.com and other sites are making millions of dollars by exploiting our children and allowing them to be taken advantage of by predators. If we don't speak up now, these websites will continue to profit off trafficking our babies. It could be your child, your niece, your nephew, your cousins, your friend's children next if you don't stop this.

Yvonne went on to urge the Senate to pass the Stop Enabling Sex Traffickers Act, or SESTA.

SESTA is a narrowly crafted bill that would ensure that Section 230 of the Communications Decency Act does not provide legal immunity to websites like Backpage that knowingly facilitate sex trafficking. For years, Backpage and others have successfully exploited this loophole and avoided legal liability, despite hosting advertisements for the sale of sex acts with young victims of trafficking. Their ability to hide behind this reprehensible defense will come to an end with the passage of this bill.

SESTA was incorporated into House companion legislation called the Allow States and Victims to Fight Online Sex Trafficking Act, or FOSTA. The House overwhelmingly passed this bipartisan, compromise legislation last month, in a 388 to 25 vote.

The combined legislation will ensure that victims and survivors of sex trafficking can seek justice against websites that knowingly facilitated the crimes against them. It would also enable state law enforcement officials—not just the Federal Department of Justice—to take action against individuals or businesses that violate federal sex trafficking laws.

The bill has been endorsed by major anti-trafficking groups, law enforcement organizations, and numerous technology companies.

We need to protect victims of trafficking, and we need to hold websites like Backpage accountable for their exploitative, criminal actions. As we prepare to vote on this bill, consider Yvonne Ambrose's plea:

> I would not wish this pain and hurt on my worst enemy. And I pray that Desiree's life can make a difference, so no one else has to ever endure this pain again. I'm asking you, the U.S. Senate, to amend Section 230 and be the change you want to see in this world—not only for justice for Desiree, but for all of the countless Jane Does out here and the other little girls to come who don't have a voice.

I urge my colleagues to support this critical legislation.

Mr. LEAHY. Mr. President, I am voting for this legislation because, on balance, I believe it will provide important legal recourse to victims of sex trafficking and will help hold accountable those websites that seek to exploit them. Protecting these victims should be our top priority.

There have been concerns raised that this legislation may have an unintended—and harmful—impact on one of the key laws underpinning the free and open Internet. That key law is section 230 of the Communications Decency Act, CDA 230, which promotes free expression and innovation by protecting online platforms from a range of laws that might otherwise hold them unfairly accountable for everything their individual users may say and do online. This law defends free speech online and has encouraged innovations ranging from the earliest online bulletin board systems to today's platforms for social media and user-generated video. Without the protections of CDA 230, the internet would be a very different place today.

Today's legislation amends CDA 230 by, among other things, prohibiting construing that law to limit Federal or State civil liability for conduct that involves ''knowingly assisting, supporting, or facilitating a violation of'' Federal child sex trafficking laws. Clearly, CDA 230 was never intended to be a shield to protect child sex traffickers, and it should not, but there is concern this legislation could potentially open up providers and websites who operate in good faith to new liability risks for what their users say or do, which could harm free expression. Also, the threat of this liability will fall especially hard on smaller platforms that have fewer resources to fight lawsuits, even ones without merit, which could harm innovation.

As a result, I do not take amendments to this core protection for free expression and innovation online lightly. I am voting in favor of today's legislation because we must balance those possible risks against the very real scourge this legislation will forcefully combat: sex trafficking, including trafficking of underage youth. Just earlier this week, Senators COLLINS, HEITKAMP, and I reintroduced our bipartisan bill to curb youth homelessness and support young victims of trafficking, the Runaway and Homeless Youth and Trafficking Prevention Act. This is an issue I have long been committed to addressing. Today's legislation represents a step in the right direction, and I will support it.

Mr. GRASSLEY. Mr. President, I rise today to express my strong support for

the online sex trafficking legislation that is before us today. Immediately passing and sending this measure to the President's desk will help ensure that children and youth are less vulnerable to human traffickers and others who would profit from this terrible crime.

This bill originally was introduced in this Chamber by Senator PORTMAN, and I salute him for his leadership on the issue of online sex trafficking.

Last year, I joined dozens of my Senate colleagues as a cosponsor of this measure after working with the Commerce Committee on the title 18 language in this legislation.

Senator PORTMAN, who chairs the Senate Permanent Subcommittee on Investigations, introduced the earliest version of this legislation after his subcommittee produced a bipartisan report exploring the link between Backpage and online sex trafficking. Entitled ''Backpage.com's Knowing Facilitation of Online Sex Trafficking,'' that report was the result of nearly 2 years of investigation by the subcommittee's investigative staff. I encourage my colleagues to review the Senate report, which is posted on the subcommittee's website.

It makes a very strong case for updating the Communications Decency Act and title 18 of the U.S. Code to protect children as the bill before us proposes.

I, too, have made ending human trafficking a top priority as chairman of the Senate Judiciary Committee. One of the first major bills our committee produced in the 114th Congress, under my leadership, was the Justice for Victims of Trafficking Act. It established a new fund, comprised of assessments imposed on convicted offenders, to provide resources to serve victims of human trafficking. It also equipped prosecutors with new tools to fight the heinous crime of human trafficking. Senator CORNYN introduced that bill, and I was a cosponsor.

Last year, I sponsored legislation to extend the key programs authorized under the Trafficking Victims Protection Act. Our committee cleared this bill and a related measure that Senator CORNYN introduced known as ''Abolish Human Trafficking Act'' in 2017. The Senate passed both bills without a single dissenting vote last September.

These two bills would extend the authorization for a number of the victim-centered programs that Congress established years ago as part of the original Trafficking Victims Protection Act. They also include provisions to promote greater education and awareness of human trafficking in the United States.

For example, the Senate-passed Trafficking Victims Protection Act of 2017, which I introduced, calls for training of judges, school personnel, and Federal investigators so that they can better identify and respond to human trafficking victims. It would authorize the U.S. Secret Service to offer investigative and forensic assistance to other law enforcement agencies. It would establish an Office of Victim Assistance within the U.S. Department of Homeland Security and ensure that the office is staffed by trained victim assistance personnel. Lastly, the measure promotes coordination among and data collection by the Federal agencies that are tasked with helping human trafficking victims and bringing the perpetrators to justice.

The Abolish Human Trafficking Act, which I joined Senator CORNYN in introducing, ensures that victims will receive restitution, authorizes funding of investigations, and enhances penalties imposed for trafficking offenses, including sexual exploitation or abuse, sex trafficking of children, and repeat convictions for transportation for illicit sexual activity.

We currently are working with the other Chamber on a package that would include these two bills, a related measure introduced by Senator CORKER, and the House-passed version of legislation to renew and extend the Trafficking Victims Protection Act. Sending this package of four bills and Senator PORTMAN's online sex trafficking bill to President Trump for his signature sends a very strong message to human traffickers that we will not tolerate the scourge of human trafficking in the United States.

I close by calling on my colleague to support the immediate passage of H.R. 1865 without any weakening amendments.

The PRESIDING OFFICER. The Senator from Alabama.

GUN VIOLENCE

Mr. JONES. Mr. President, first, let me begin by expressing how honored and humbled I am to be a Member of this body and to represent the great State of Alabama.

Fresh out of law school in 1979, I began my career right here, working as staff counsel to Senator Howell Heflin on the Judiciary Committee. From when I served as a staffer, there are only three Members of the Senate who continue to serve today—Senator LEAHY, Senator HATCH, and Senator COCHRAN. Two of those three, Senators HATCH and COCHRAN, will be retiring this year—Senator COCHRAN, in just over a week—and a grateful nation thanks them for their service.

For me, personally, I am honored to have come full circle with them, from a young staffer to a junior colleague, and I wish them well in their life after the Senate.

I thank my colleagues on both sides of the aisle for welcoming me to this body, many of whom are here with me today, braving the wintery weather outside. Thank you for your friendship, your advice, and your willingness to include me and my staff in the great work you are doing.

I particularly want to thank my senior colleague from Alabama, Senator SHELBY, and his staff. I appreciate their graciousness and patience in helping me as I navigate my new role as a freshman Senator.

I thank my family: my amazing wife Louise; incredible kids, Courtney, Carson, and Christopher, who so fully supported me in my quest to reach the Senate but more importantly in my life. I have grown with them and certainly because of them; of course, my sister Terrie; wonderful parents, who I am blessed to have around today; and my grandparents who are not. They instilled in me the values of family, faith, patriotism, respect for others, and a work ethic that has guided me throughout my life.

Finally, I would be remiss if I did not take this opportunity to pay special tribute to my mentor and former Senator whose seat I now hold—the late Howell Heflin of Alabama. He was a remarkable man whose large, lumbering frame and southern drawl would often mask his amazing intellect. His compassion and sense of justice for his fellow man forged a path for myself and so many others who worked for him over the years.

He came to the Senate in 1979, at a time when bipartisanship was more than just a campaign slogan or a sound bite. In those days, when Senators spoke of bipartisanship, they truly meant it. They would never compromise principles but would compromise with their colleagues on the serious issues of the day in order to move this country forward.

By the time he left the Senate in 1997, Senator Heflin sensed a change in the political climate, and he was concerned about it. In a parting essay he wrote:

> Our Constitution itself came about through a great series of compromises; it was not written by ideologues who clung to ''their way or no.'' Compromise and negotiation—the hallmarks of moderation—aimed at achieving moderate, centrist policies for our country, should not be viewed as negatives.

This leads me to the reason I rise today. I want to speak about an issue that has evaded the broad bipartisan discussions and moderation that Senator Heflin spoke of. Instead, it seems to have been an issue where folks quickly take sides and often criticize those with whom they disagree.

It is time that we have a serious, pragmatic, and practical discussion—not a debate or negotiation but a dialogue on the steps that we can take to reduce the harm caused by gun violence in this country.

I know with just those words, people across this country may have already started reaching for their phones to start tweeting or posting without another word and without knowing where I might stand on this issue. That just seems to be the way it is in America these days, which is so unfortunate, because once you take a side, it is hard to come off.

In the wake of yet another mass shooting and the rising voices of young people across the country, it is our responsibility and our duty to have a serious discussion about guns and gun

safety, but that conversation has to be twofold. We must acknowledge the deadly consequences that can follow when a gun is in the wrong hands but also recognize and respect the freedom to own and enjoy guns by law-abiding citizens, as guaranteed by the Second Amendment of the Constitution. Those two concepts are not mutually exclusive.

Before I jump into the actions I believe we can take today, I want to go back and explain a little bit about where I come from.

Growing up in Alabama, I learned to shoot from my father and grandfather. I was not much of a hunter in my youth, but whether it was cans or bottles on a tree log or the occasional skeet, we simply enjoyed shooting and always had a few guns in the house. The distinction between a hunter and someone who just enjoys guns and shooting is significant.

To this day, I still have my father's old .22 rifle, my grandfather's pistol that he gave me, and a couple of rifles and shotguns I got as presents as a kid, but my interest in hunting began to grow when my youngest son Christopher was born, 20 years ago this past Monday. At an early age, he was fascinated with guns and hunting, so with my wife's blessing, I took up the sport so he could learn gun safety and conservation from me. Today I think I am more passionate about it than he is.

I consider myself an avid hunter—deer, turkey, quail, whatever the season might be in Alabama. With the campaign last year and transition into this office, this past deer season was somewhat of a bust for me, but with the start of turkey season, I am anxious to get back into the woods.

Frankly, I also enjoy guns. I enjoy shooting them. I like how they are made, the power, and their history. I own many of them, all stored in a locked gun safe that, quite frankly, is larger than what my wife initially approved of a number of years ago. Collecting them and shooting them at the range or hunting is a bond I share with my son Christopher and with many of my friends.

So while I know that guns and gun control are difficult issues in this country, I can tell you they are complicated for me, too, but as a U.S. Senator today, a Member of the legislative branch of government, I have many obligations, and I believe the first obligation of government is to protect its citizens.

We spend unimaginable amounts of money fighting our enemies abroad and terrorists who would attack us at home. Yet, on many levels, we fail our children and grandchildren every morning when we pack their backpacks and send them into harm's way or when they pick up what they think is a toy or a really cool weapon that they have seen on television or in the movies and it turns out to be a killing machine that they should have never had access to and don't know how to handle.

We fail the abused women, men, and children of our society when we let our family and relationship problems lead to a murder.

We fail parishioners in church, employees at work, and concert and theater goers when they are caught off guard by a hail of bullets from a disturbed individual.

We fail those who are simply in the wrong place at the wrong time when street violence breaks out and a stray bullet takes an innocent life.

We fail veterans and others in society suffering from depression and post-traumatic stress and other mental disorders who decide that life is simply not worth living.

We fail people of every walk of life, of every age, and in every corner of this country, every day.

Gun deaths continue to rise. In 2016, over 38,000 people died in this country because of gunfire. Almost 15,000 of those deaths were homicides. Almost 23,000 were suicides—epidemic-type numbers—and nearly 500 were accidental.

We have failed in Alabama, too. In the last few weeks, we lost a police officer in Mobile who was shot and killed when responding to a domestic dispute. We lost a 1-year-old boy who was accidentally shot in the back by his 2-year-old brother with their parents' gun. We lost a beautiful, young 17-year-old girl who was about to head off to college because one of her classmates brought a gun to school and he was showing it off when it was accidentally fired.

We lost a dedicated nurse at UAB Highlands Hospital when a disgruntled former employee showed up at the hospital and opened fire.

Just yesterday, as I was finalizing these remarks, I learned that a former client of mine was shot and killed by his girlfriend's brother as he was picking up his 3-month-old baby from a visit.

The list could go on. Similar tragedies take place every week in every one of our States.

These stories don't grab national headlines, but they are examples of the gun violence that has become commonplace in our communities.

In 2016, Alabama had the second highest rate of gun deaths in the Nation. That means that 1,046 Alabamans were killed by gun violence that year. Worse yet, our gun deaths increased by a staggering 34 percent between 2005 and 2016.

As a former prosecutor, I worked closely with law enforcement. I have seen firsthand what weapons in the wrong hands can do to families, communities, and society. When I was a U.S. attorney, we had a program called Isolating the Criminal Element, and we tried to crack down on illegal weapons in our communities.

As most of you know, my career has been defined by prosecuting the killers of children. It was September 15, 1963, when a bomb placed outside the ladies' lounge window of the 16th Street Baptist Church in Birmingham exploded, killing four beautiful young girls. I wish I could turn back time and do something that would have prevented it altogether. Had I or anyone else, at that moment, it might very well be one of those young girls giving this speech today and not me.

I stand in that moment now, and so do you, and so does our country.

I believe we have finally reached a tipping point regarding gun violence now—not because of the shooting in Parkland, FL, but thanks to the millions of young voices across this country, led by students at Marjory Stoneman Douglas High School.

Much like the students who took to the streets of Birmingham in 1963, who were attacked by firehoses and police dogs, who awoke the conscience of America to civil rights, these young men and women are awakening the conscience of America regarding gun violence. I am pleased that one of those young men, Alfonso Calderon, of Marjory Stoneman Douglas High School, is with me here as my guest in the Gallery today.

We could spend days in this Chamber debating the meaning of the Second Amendment. We could let our Nation further divide itself while more lives are lost. We can fret about what people are saying about us on social media or whether we might lose campaign contributions. We can again choose the path of inaction in the face of yet another mass shooting and expect different results, or we can take another path.

Let's find what we can agree on, act on it, and begin to make our country a safer place. We can be reasonable here because we all want the same thing—a safer country, a safer world.

At its core, the Second Amendment was an effort to protect Americans. Let us do the same.

But in order to do that, we need to build more trust in this body and encourage camaraderie. More importantly, we need to fundamentally change the way we talk about difficult issues in our country and set an example for our fellow Americans to follow and to dial down the rhetoric.

Remember that ''for every action there is an equal and opposite reaction'' is not just one of Newton's laws of motion, but it is also one of political rhetoric. Extreme views promote equal but opposite extreme views.

For those who want more gun restrictions instead of focusing your energy on banning a certain weapon—which, frankly, as a practical matter, just simply cannot pass this Congress—focus instead on efforts to keep those weapons and others out of the hands of those who would do us harm. You can't simply demonize the NRA and pro-gun groups.

While I know that these groups sometimes take what many, including me, consider extreme positions, they also represent millions of law-abiding gun owners who are concerned that their

right to bear arms is at risk. For millions of Americans, gun ownership and enjoyment is a cultural issue with deeply held beliefs. Addressing that issue is simply not like regulating stock transactions or cutting taxes.

To those who would seek to maintain the status quo, like the NRA or anyone else, please stop using scare tactics to try and convince law-abiding gun owners that the Federal Government is hell-bent on taking their guns away. That is simply not going to happen and everyone knows it.

We also need to get past the idea that more guns in society will make us all safer. The statistics and the data simply do not support that. We don't need guns in the hands of schoolteachers.

Simply having more ''good guys with guns'' is not a solution. Americans just simply do not want to return to the days of the Wild West.

This topic, like so many others, has become a space that is less about having a thoughtful conversation and instead has evolved into a clash of cultures. As leaders, we must reject the ''us against them'' mentality because, ultimately, we are all Americans who are united by a common bond of shared values and love of country.

There will always be forces that seek to sow division and discord. Our challenge and our mission are to prevent them from succeeding.

We can seize this moment by changing the conversation in our country. Let's start a productive dialogue and work toward a comprehensive bill that includes ideas that we should be able to agree on. There are already a half dozen proposals in this body that have bipartisan support. My friend from Connecticut, Senator MURPHY, outlined them just the other day, but they bear repeating here.

Ban bump stocks and make it a crime to possess and manufacture them, as Senator FEINSTEIN has proposed. The President and the Department of Justice should be commended for taking the first steps through regulation, but the Senate of the United States of America should go on record about this deadly accessory.

We should pass the Fix NICS legislation proposed by Senators CORNYN and MURPHY. The NICS system is only as good as the data that goes into it. Their bill would block bonus pay for political appointees who fail to upload records to the NCIS system and reward States that follow the uploading plan. It would create a ''domestic abuse and violence prevention program'' to give States the ability to share information to prevent someone convicted of a domestic violence crime from purchasing a gun. Fix NICS is a good start toward overhauling our background check system and, as Senator MURPHY said the other day, it is a good base bill on which to build.

But, frankly, we have to do more on background checks. We have to require background checks on all gun sales, whether it is at a gun show or over the internet or between individuals. It can be as simple as going to a licensed dealer or a local police station to have a background check run on a prospective purchaser or a transferee. It may be inconvenient, but it will save lives.

With universal background checks, however, I would also suggest a couple of companion measures. For instance, in my view, it is entirely appropriate for a family member to sell or give a gun to another close family member, as they should be presumed to know whether their relative is prohibited from having a gun.

We can consider other exceptions for those who can produce a valid concealed carry permit or between law enforcement officers. But in carving out those exceptions, we should also increase both civil and criminal penalties for anyone who knowingly transfers a gun to a prohibited person and provide the necessary funds to the Department of Justice to prosecute those individuals when appropriate.

We can also take steps to deter prohibited individuals from even trying to purchase a gun. Senator TOOMEY's NICS Denial Notification Act would allow reporting to State and local authorities when someone has tried to purchase a gun and has been denied, and it would require DOJ to report to Congress on such prosecutions. To his credit, Attorney General Sessions has announced that the DOJ will vigorously prosecute those who make false statements in connection with their background checks. We should ensure that he has the resources to do so.

We should close the so-called Charleston loophole, as proposed by Senator BLUMENTHAL. This loophole allows a purchaser to receive a firearm after 3 days, regardless of whether their background check has been completed or not. We can create certain exceptions for concealed carry permit holders and others, but no one should be allowed to take possession of a firearm until they have cleared a background check.

Current law prohibits a firearms dealer from selling a pistol to anyone under the age of 21. That has been the law for many years, without any real challenge. The same logic behind this prohibition should apply to the sales of pistols and semiautomatic weapons to those under the age of 21.

Senator KLOBUCHAR has filed a badly needed piece of legislation to expand the definition of domestic violence to include dating partners and eliminate the ''boyfriend'' loophole that allows certain dangerous individuals to access guns and evade laws meant to protect domestic violence victims.

We can implement at least a 3-day waiting period for the purchase of any pistol or semiautomatic weapon, and we can increase penalties for those who steal firearms. States that have implemented waiting periods have seen significant decreases in suicides.

We can also repeal the Dickey amendment and open the door for new research on gun violence prevention. No one—no one—is happy when innocent people die because of a gunshot, and law-abiding gun owners should not be afraid of studies on how to reduce the number of gun deaths in this country.

We can do more to stop mental health issues from turning dangerous by allowing law enforcement or family members to seek a court order when an individual poses an extreme danger to themselves or others and prevent them from getting access to firearms. Senators FEINSTEIN, BLUMENTHAL, and GRAHAM have all proposed versions of the extreme risk laws.

For too long, gridlock and partisanship have stood in the way of compromise. But I didn't come here to do nothing, and I don't think any of you did, either.

Today we face a difficult problem but not an insurmountable one. To find solutions, we must demand courage of ourselves and one another.

As history has shown, we face greater consequences with inaction—certainly greater consequences with inaction on gun violence.

So I have asked all of us to consider this question: What is our collective legacy as representatives of the American people and the Members of this hallowed institution? I believe it is to leave this body and our country better than we found it. We can only do that if we rise together to confront the unknown.

I have given talks all over the country about the prosecutions of the 16th Street Baptist Church bombing, and I am always reminded of a passage from the poem ''The Cure at Troy,'' which was written by the Irish poet Seamus Haney as a tribute to Nelson Mandela. My friend Vice President Biden often quotes this passage, where Haney wrote:

> History says, don't hope on this side of the grave. But then, once in a lifetime the longed-for tidal wave of justice can rise up, and hope and history rhyme.

With the convictions of two former Klansmen for the murder of those four young girls, the longed-for tidal wave of justice rose up, and hope and history rhymed in Birmingham, AL.

For me, and I hope for you, when I walk the halls of the Senate Office Buildings and I come through those double doors onto the Senate floor, I realize that every day we, as a collective body, have that same opportunity. Whether it is for Dreamers or voting rights or victims of sex trafficking or, in this case, our children who are demanding action on gun violence, we have the opportunity to build that tidal wave of justice and have hope and history align. But we have to have the courage to seize the moment.

I don't have all the answers on how to do it, but I am willing to work with each and every one of you to find them because that is why we were sent here—to find those answers, so that the tidal wave of justice will rise up.

Please, let us work together to make it happen sooner rather than later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I wish to join my bipartisan group of colleagues who have been coming to the floor to talk about the very important bill that we are debating and are going to be voting on here in about an hour; that is, to help protect our children all across this country from the horrible scourge of human trafficking and sex trafficking. The Stop Enabling Sex Traffickers Act that we are debating right now is important for the whole country, and it is certainly important for my State of Alaska.

We have a big problem in Alaska with the challenges of domestic violence and sexual assault at some of the highest rates in the country. We also have a big problem with the challenges of human trafficking and sex trafficking. A lot of people think that doesn't happen in America. It happens in America. It is a horrible issue to talk about, but it happens in our country.

There was a study done last year on young men and women in Alaska receiving services from a homeless shelter for teenagers. My wife Julie actually works at this homeless shelter, and one in four girls and one in five boys who used the services of this teen homeless shelter reported being victims of sex trafficking. This is a horrible number for a very vulnerable society. We need to do more to address this issue.

In this legislation, we are taking the fight to one of the places in this country where human trafficking and sex trafficking are really exploding, and that is the internet. The bipartisan legislation we are debating right now will ensure that websites and other institutions on the internet and the companies related that knowingly—and that is an important word, ''knowingly''—facilitate sex trafficking can be held accountable for their actions. It will also create new Federal crimes related to promoting or facilitating human trafficking over the internet and give more resources to State prosecutors to go after these heinous crimes.

In the remarks from a whole host of Senators this morning, I think we are seeing that we are going to make real progress in the fight against online sex trafficking without threatening the years of progress we have made in creating a free and open internet. Senator PORTMAN, one of the leaders of this effort, along with many others—Senator MCCAIN and his wife Cindy have been real champions and advocates for human trafficking issues throughout America; Senator BLUMENTHAL and so many other Senators have been saying that this is a commonsense, targeted approach to addressing this very big and growing problem.

We are going to vote in about an hour, and I hope all of my colleagues will do the right thing and vote on these amendments that are put out there as helpful amendments, but, to be honest, they are meant to bring down the bill.

We cannot allow our children, whether in Alaska or across the country, to be lured into this kind of Hell—and the more we hear in terms of testimony, the more we recognize that what is going on over the internet in this area is Hell mostly for the youth of America.

Our children should not be sold online or anywhere else. Unfortunately, it is happening, and it is happening a lot, largely because of the internet. The National Center for Missing & Exploited Children reported, from 2010 to 2015, an 846-percent increase in the number of children being trafficked—an over 800-percent increase in America.

A lot of Americans think: Wait, really? That is a problem in Asia, Southeast Asia, or other countries. But it is a growing problem in the United States of America, and we need to address it.

As others have said on this floor, sex trafficking has moved from the street corner to the smartphone, where it is much more difficult to detect and much more difficult to stop, and it is one of the reasons we see this dramatic increase in rates of human trafficking in our country.

In the Commerce Committee, we had a hearing that covered this bill. Some members of the tech industry were opposed, but I think the overwhelming support that came out of that hearing was driven by the real-world tragedies we started to hear from hundreds—thousands—across the country that have occurred because of really lax laws and immunity on the internet that was not intended for companies or individuals who deal in sex trafficking and human trafficking. What we saw from the report and the investigations that Senator PORTMAN and others did was that actually was what was happening.

For example, Senator BLUMENTHAL earlier today talked about the very tragic, sad, and moving testimony we heard last September in the Commerce Committee from Yvonne Ambrose, whose 16-year-old daughter Desiree Robinson was trafficked online by a pimp on the website, Backpage. She was later raped and murdered by a 32-year-old man who found her on that website. She was an American citizen, a 16-year-old girl. If you had watched her mom's testimony of in front of the Commerce Committee, you would be voting for this bill today.

Her mom ended her riveting and very sad testimony by saying: If there were stricter rules in place for posting on these websites, then my child would still be here with us today. It was a wrenching story and, unfortunately, one that too many American mothers and fathers are telling us.

We are going to vote on this today, and I hope all my colleagues vote for more progress. As the Presiding Officer knows, on this issue, there is actually positive progress that has been going on in the Congress. A lot of times, when they read the news—my constituents back home in Alaska and Americans throughout the country—they are always hearing about conflict and how there is no progress in the Senate. We have some difficult issues; there is no doubt about it. But on a lot of issues there has been bipartisan progress, and in this area of human trafficking, there has been significant bipartisan progress to finally start addressing this growing problem in America—which, again, is remarkable when you think about it—of young men and women trafficked for sex in this country.

In 2017, we passed on a bipartisan basis the Abolish Human Trafficking Act; in 2015, we passed the Justice for Victims of Trafficking Act. Both were introduced by my friend and colleague, Senator CORNYN of Texas. Senator THUNE has been a leader on these issues in the last couple of years in passing the No Human Trafficking on Our Roads Act and Combating Human Trafficking in Commercial Vehicles Act, which focused on the big problem we have seen in terms of the transportation system in America being used for human trafficking. In the Judiciary Committee, we passed Chairman GRASSLEY's bill, the Trafficking Victims Protection Reauthorization Act, which brought more services to victims of these heinous crimes.

We are making progress, no doubt about it. But—and this is a very important point—despite this strong record of addressing human trafficking, when it comes to these crimes, some of the biggest things we need more of in America to address them, because they are growing, are resources—resources. To put it bluntly, there are too many cases, there is too much of this happening, and there are not enough resources, money, or prosecutors to put the bad individuals who are doing this behind bars.

Many of these cases involving human trafficking are Federal crimes that usually require Federal prosecutors to go after these Federal offenses. As we all know, there are limited numbers of assistant U.S. attorneys and Federal investigators to do this. So what have we done? What have we done in the past few years? What are we doing today in this vote to help address this? We have begun to change this issue of resources to go after the perpetrators of these heinous crimes in a much better way by allowing State attorneys general and State district attorneys to actually prosecute these crimes, even though they are Federal crimes. We are doing something in the law that says: We need more prosecutors, we need more investigators, and we need more resources. Let's unleash those in the States to help us address this growing problem throughout our country.

So we are doing that, and we did it for the first time in the Justice for Victims of Trafficking Act in 2015. This

bill, for which Senator CORNYN was the lead, actually incorporated a bill that I had authored and had a lot of cosponsors on called the Mann Act Cooperation amendment. We put that in as part of the broader bill in 2015.

The Mann Act is the Federal law that makes it a criminal offense to transport someone across State lines for the purposes of prostitution and human trafficking. In my experience back home in Alaska, as attorney general, we had challenges in this regard. As a matter of fact, there was a very notorious case of a bad man—a very corrupt man—who a lot of people knew in Alaska, and he was engaged in this kind of activity with young girls from the Native villages in my State. We investigated it and realized that he violated not a State law but a Federal law. It was very clear that it was a human trafficking violation of the Mann Act.

When I was attorney general, my office went to the Feds, and we said: Here you go. Here is the evidence. This guy violated the Mann Act. He is a bad man. He should go to jail. We need to send a signal.

It is a rather long story. It is a sad story. But for whatever reason—I have wondered for years, and I have looked into this for years—the Federal Government wouldn't take the case.

I said to the Feds: Then, let my prosecutors take the case. We will take the case. You just need to cross-designate us. Let the State attorney general's office take these Federal laws and prosecute them against this guy. We will do it.

They still didn't allow us to do it. There were rumors in Alaska: Hey, what was going on here? Was there some kind of deal cut between the Feds and this guy who was a really bad guy and who was in jail for something else?

When I got to the Senate, I said: We are not going to let that kind of injustice happen again.

That was an injustice. A man who violated the Mann Act and clearly committed the crime of human trafficking is a free man right now. That shouldn't be the case.

As part of the Justice for Victims of Human Trafficking Act in 2015, we had a provision. My bill essentially said this: If a State attorney general brings a Mann Act case—a human trafficking violation case, Federal case—to the Attorney General of the United States, saying that we need to be cross-designated to prosecute—maybe the Feds don't have the resources; maybe they don't have the time—then, the Attorney General of the United States shall allow the cross-designation for more State attorneys general to prosecute these cases, unless it would undermine the administration of justice. That is in the law. State attorneys generals right now can go prosecute Mann Act cases. That is more resources, more investigators, and more prosecutors.

That is going to be in the law that we are voting on today. One of the elements—an important element—of the Stop Enabling Sex Traffickers Act, which we are voting on and debating now, is to allow State attorneys general the power and the authority to bring actions against those who violate Federal law for internet-based sex trafficking.

We are bringing the resources in these kind of cases. That is an important innovation in the development of the bill that we are voting on today. Just like in the previous legislation, State attorneys general can now bring these cases. If we pass this law today, that will mean more resources, more investigators, and more prosecutors for the perpetrators of these heinous crimes. To all the bad guys out there who are undertaking these crimes, when we vote to pass this legislation today, that is going to be a bad day for you because we are going to have more resources and the ability to put you in jail with this vote today.

As I mentioned, we have a big problem in this country. We have a long way to go in terms of human trafficking, sex trafficking, which is hitting all parts of America. Congress is focused on it, and I am hopeful that we will pass this legislation this afternoon for one more step in the right direction on addressing this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

COMMENDING SENATOR JONES

Mr. WYDEN. Mr. President, before I begin my remarks on the legislation before us, I wish to compliment our new colleague, Senator JONES, on a superb maiden speech. I thought he was so gracious when he remembered Senator Heflin. I served with Senator Heflin, and I think Senator JONES is going to be very much in that tradition. I want to take a quick minute and commend our new colleague for launching his time in the Senate in an extraordinary way.

AMENDMENTS NOS. 2212 AND 2213

Mr. President, I call up amendments Nos. 2212 and 2213, as provided for under the previous order, and I ask unanimous consent that they be reported by number.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments by number.

The bill clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes amendments numbered 2212 and 2213.

The amendments are as follows:

AMENDMENT NO. 2212

(Purpose: To clarify that efforts of a provider or user of an interactive computer service to identify, restrict access to, or remove objectionable material shall not be considered in determining the criminal or civil liability of the provider or user for other material)

At the appropriate place, insert the following:

SEC. _____. EFFECT ON LIABILITY OF EFFORTS TO IDENTIFY, RESTRICT ACCESS TO, OR REMOVE OBJECTIONABLE MATERIAL.

(a) IN GENERAL.—Section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) is amended by adding at the end the following:

''(3) EFFECT OF EFFORTS TO IDENTIFY, RESTRICT ACCESS TO, OR REMOVE OBJECTIONABLE MATERIAL.—

''(A) EFFECT ON CRIMINAL AND CIVIL LIABILITY GENERALLY.—The fact that a provider or user of an interactive computer service has undertaken any efforts (including monitoring and filtering) to identify, restrict access to, or remove material the provider or user considers objectionable shall not be considered in determining the criminal or civil liability of the provider or user for any material that the provider or user has not removed or restricted access to.

''(B) EFFECT ON PROTECTIONS.—The protections under paragraphs (1) and (2) are not limited by or contingent upon an interactive computer service provider's—

''(i) moderation of content; or

''(ii) use of particular content moderation practices.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment.

AMENDMENT NO. 2213

(Purpose: To provide additional funding to the Department of Justice to combat the online facilitation of sex trafficking)

At the appropriate place, insert the following:

SEC. _____. PROTECTING SEX TRAFFICKING VICTIMS FROM CRIMINAL WEBSITES.

(a) SHORT TITLE.—This section may be cited as the ''Protecting Sex Trafficking Victims from Criminal Websites Act''.

(b) APPROPRIATION OF FUNDS.—Out of funds of the Treasury not otherwise appropriated, there are appropriated to the Attorney General, for use in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau of Investigation, $20,000,000 for each of fiscal years 2018 through 2022 to investigate and prosecute website operators that criminally facilitate sex trafficking or the sexual exploitation of children.

(c) AVAILABLE UNTIL EXPENDED.—Amounts appropriated under subsection (b) shall remain available until expended.

(d) BUDGETARY EFFECTS.—

(1) PAYGO SCORECARD.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(2) SENATE PAYGO SCORECARD.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that my hour begin now for speaking on this subject. We are a bit behind, but not much. I ask unanimous consent that the hour that has been assigned to me begin at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I stand on the Senate floor today in firm agreement with my colleagues that the Congress must do more to combat the scourge of sex trafficking. It is a profound and tragic failure of American institutions that trafficking continues to plague our country and, in fact, has actually increased.

Federal law enforcement has failed to root out and prosecute the traffickers, even when they have been operating in plain sight. So, too, have the big internet companies failed when it comes to sex traffickers who operate on their platforms.

I fear that the legislation before the Senate now is going to be another failure. I fear that it is going to do more to take down ads than to take down traffickers. I that fear it will send these monsters, these evil people who traffic beyond the grasp of law enforcement to the shadowy corners of the dark web, a place where every day search engines don't go, and it is going to be even easier for criminals—these vicious traffickers—to find a safe haven for their extraordinarily evil acts.

In many respects, this debate mirrors one the Congress went through a little bit more than 20 years ago. Back then, I think it would be fair to say that not many Senators knew much about the internet. In 1995, this body had a laudable goal. The Senate said it wanted to protect kids from accessing pornography online, but the result of those good intentions was, unfortunately, a bad policy—a policy called the Communications Decency Act of 1996.

Behind that policy was a fundamental misunderstanding of both the architecture of the internet and the modern application of the First Amendment. The law didn't just go after those targeting pornography to minors. It took speech that was legal in the real world and made it illegal online. And it produced a paradise for the legal trickster, creating new ways to sue over speech and adversely affecting scores of Americans, medical providers, artists, writers of literature, and more.

As should happen with poorly written policy, all but one part of the Communications Decency Act was struck down by the Supreme Court. The one piece of the law left standing was section 230, which I coauthored with former Congressman Chris Cox. What section 230 was all about was laying out the legal rules of the road for the web. There were innovative new businesses sprouting up all over and novel forms of communication and media connecting and informing people in new ways. But it seemed clear that a quick way to strangle this promising set of developments in their infancy was for these new companies to be held legally liable for every piece of content that users posted on their platforms.

When section 230 was written, nobody could have foreseen all of the effects. Here is what we did know back then. First, we wanted small businesses to start out focusing on hiring engineers, developers, and designers rather than worrying about how they had to hire a team of lawyers.

Second, we wanted to make sure that internet companies could moderate their websites without getting clobbered by lawsuits. I think Democrats and Republicans would agree that this is a better scenario than the alternative, which means websites hiding their heads in the sand out of fear that they would be weighed down with liability.

Third, we wanted to guarantee that bad actors would still be subject to all of the Federal laws. Whether the criminals were operating on a street corner or online wasn't going to make a difference, and we were determined to state that explicitly.

Fourth, we wanted to protect the internet from the whims of State and local legislators. This body has the authority to regulate interstate commerce.

I would ask any of my colleagues to offer an example of how something could be more interstate than the internet.

It may not satisfy some publicity-seeking local official when we talk about the Federal Government's role here, but there is no question that the role of the Congress, in its leading on something that is clearly interstate in nature, is in the best interest of the American people.

For the most part, the framework worked better than I ever imagined it would. As a result of section 230, the small, gutsy entrepreneur—say an entrepreneur in North Carolina—who has a big dream of working out of his garage has a real shot at succeeding. Marginalized groups of vulnerable Americans have a better opportunity than ever to make their voices heard because of section 230, and small nonprofits have the ability to take their causes nationwide.

One scholar, David Post, even wrote that the 230 law created $1 trillion worth of economic value in the private economy. He said: ''It is impossible to imagine what the Internet ecosystem would look like today without it.''

My wife saw that article, looked at me and said: Well, dear, even a blind squirrel occasionally finds an acorn.

Setting aside spousal kidding, to illustrate why the protection that comes from section 230 is so important, I turn next to what things would be like without it.

Imagine if you are starting a forum site that is dedicated to discussing knitting. If ever there were a topic that sounded drama free, that would be it. Yet suppose somebody goes on the site and shares a pattern he didn't have the right to share. Suddenly, your website is facing a copyright infringement lawsuit. Maybe the controversy—knitting versus crocheting—gets overheated, and the users start trading barbs. Suddenly, you have people slinging defamation suits at your itty-bitty forum host. Then somebody is injured by an automatic needle threader he reads about in a comment thread. Suddenly, you are a codefendant in a liability suit—all because you didn't have the protection of section 230.

Imagine how hard it would be to launch a platform that would be open to the discussion of any topic when even the simplest, most narrowly focused website on the internet can become a magnet for lawsuits. There are not enough lawyers in the world to handle all of that litigation, and my sense is we will have a lot of constituents who will say: Thank God.

In the absence of section 230, the internet as we know it would shrivel. Only the platforms that are run by those with deep pockets and an even deeper bench of lawyers would be able to make it.

Moreover, section 230 is not just about hobbies and commerce. It protects the coordination of free speech, particularly among vulnerable groups of Americans. That is the reason organizations like the libertarian Cato Institute, the progressive Human Rights Campaign, and the ACLU have voiced serious concerns about the legislation before the Senate. You sure don't see those three groups lined up side by side very often, but they are here now. It is because, without the protections of section 230, civic organizations that exercise their right to free speech could be cowed by their more powerful political opponents.

For this example, imagine that a nonprofit organizes a campaign in support of a local ballot measure. It uses social media to build awareness and promote upcoming rallies and events with online discussion boards. Yet, without section 230, powerful interests that are opposed to its work can just swoop in and effectively silence that nonprofit with an onslaught of litigation. Hostile individuals could pose as supporters and make comments on the nonprofit's website that would expose the group to liability suits. I think it is pretty obvious that there would be an enormous, chilling effect on speech in America.

I ask unanimous consent that the statements from the Cato Institute and the ACLU that are in opposition to the legislation now before the Senate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CATO at Liberty, Feb. 27, 2018]

THE DEATH OF AN OPEN INTERNET

(By John Samples)

Today the House votes on the Fight Online Sex Trafficking Act (FOSTA), a piece of anti-sex trafficking legislation. It follows and incorporates an earlier effort by the Senate, the Stop Enabling Sex Traffickers Act (SESTA). The bill at issue today is actually a last minute amendment by Representative Mimi Walters (CA) that brings the worst elements of SESTA into FOSTA, creating a hybrid bill far worse than the sum of its parts. This bill has grave consequences for an open, competitive internet and for some people who use it.

Section 230 of the Communications Decency Act has long shielded internet service providers from liability for user generated content, facilitating the internet we know today. FOSTA would likely reduce these protections. FOSTA creates a new federal crime tied to the intent to promote sex trafficking

using the internet. Alone, this might be considered an acceptable, narrowly tailored measure. However, the Walters amendment incorporates SESTA's ''knowingly'' standard of liability, which withholds CDA Section 230 protections from sites ''knowingly assisting, supporting, or facilitating'' sex-trafficking. SESTA's standard requires no intent to facilitate sex trafficking, relying upon the mere knowledge that one's app or blog has been used by bad actors.

Preemptive action, driven by effective platform moderation and cooperation with law enforcement, remains the most efficient way to combat online sex trafficking. Unfortunately, FOSTA's incorporation of SESTA's ''knowingly'' standard would stymie this collaboration. If a platform attempts to prevent sex trafficking by removing and reporting offending user generated content, it risks establishing that it had knowledge of the content, rendering it liable for anything that might slip through the moderation process. Instead of encouraging platforms to combat sex trafficking, SESTA's ''knowingly'' standard punishes private attempts to prevent the problem, and cripples broader attempts at effective content moderation.

A combined FOSTA/SESTA would benefit established social media platforms and trial lawyers at the expense of an open internet while doing little to prevent sex trafficking. Facebook may be well resourced enough to cope with the increased legal risk imposed on hosts of user generated content, but their nascent competitors are not. Attempts to avoid running afoul of the ''knowingly'' standard will likely lead to greater reliance on automated filtering.

Other issues have not received the attention they merit. Libertarians (and others) often distinguish law from morality. What is immoral need not be illegal. American law in many jurisdictions does not honor that distinction and criminalizes exchanging sex for payment. Some members of Congress seem pleased this bill will better enforce those laws against people who voluntarily engage in such exchanges.

The consequence of doing so, however, should please no one. Members believe this bill will likely drive women who sell sex for a living off the internet. For them, that is a feature not a bug of the bill. But those engaged in the sex trade are unlikely to give up their work. Instead they will end up on the streets. Why does this change of venue matter? Between 2002 and 2010, Craigslist introduced an ''erotic services'' section on its front page which was used almost exclusively to advertise illegal sex services. Three economists found that this section led to a 17.4 percent reduction in the homicide rate of the women in the relevant jurisdiction. They also noted ''modest evidence'' that the Craigslist section reduced female rape offenses. The economists concluded this reduction in violence came from the women moving indoors and matching more efficiently with safer clients. This potential increase in violence and murder should give pause to even those who deem selling sex immoral.

Congress has worked on these bills for some time through their committees. Now both bills have been thrown together, brought to the House floor, and are expected to become law, all in a week or so. Instead of this rush, the House Judiciary Committee could have finished its work, and the whole House debated and voted on the measure. The Senate and House then could have conferred and perhaps produced a bill acceptable to all. That would be ''regular order'' for Congress in lawmaking. It has once again been ignored.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, March 12, 2018.

Re Oppose H.R. 1865—The ''Allow States and Victims to Fight Online Sex Trafficking Act''.

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

DEAR SENATORS: The American Civil Liberties Union (ACLU) writes to express its opposition to H.R. 1865, the ''Allow States and Victims to Fight Online Sex Trafficking Act,'' also referred to as FOSTA, which passed the House on February 27 and may be considered by the full Senate in the coming days or weeks. The bill is a serious, yet unsuccessful, attempt to stop the use of the Internet for sex trafficking without hindering online freedom of expression and artistic innovation. Tech experts say that a thriving Internet requires retaining certain liability protections for online platforms providers. Victims' rights advocates, on the other hand, say the sex trafficking problem requires narrowing those protections. The bill misses the achievable legislative opportunity to do both, and in particular leaves the Internet exposed to the uncertain impact of changed protocols on the part of platform providers.

For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States. With more than 2 million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, DC for the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, disability, or national origin.

The risks to the Internet as the world's most significant marketplace of ideas outweigh the uncertain benefit of the bill to the fight against sex trafficking. Accordingly, ACLU opposes the bill. While the language of H.R. 1865 has been improved to address some of the ambiguities creating the most significant risks, ACLU remains concerned that the bill, if enacted, will foster an atmosphere of uncertainty among online platform providers. This uncertainty will inhibit the continued growth of the Internet as a place of creativity and innovation.

The ACLU has long supported maintaining the statutory immunity provisions of section 230 of the Communications Act of 1934 in order to promote freedom of speech and expression. Section 230 became one of the key factors enabling the robust expansion of Internet-based speech, communications, and commerce. It is a critical factor in maintaining the Internet's diverse ecosystem of speech and art and advancing economic and political dialogue. The rationale for liability protections for online providers is that they should not suffer criminal or civil liability merely for creating online fora to which others may post content, even when some of those communications turn out to be offensive or even unlawful. Any liability should be on those who create and post that content.

We opposed FOSTA's predecessor bill, an onerous bill that would have drastically curtailed protections for online publishers. FOSTA was revised in the House through the efforts of a broad cross-section of victim advocates, law enforcement, and tech experts. The current version creates a new federal facilitation of prostitution crime, but would still impact liability protections for online providers. As finally approved, it also incorporated key aspects of the Senate version of the bill.

ACLU opposed the Senate version of the bill, the ''Stop Enabling Sex Traffickers Act'' (S. 1693, SESTA), but also acknowledged improvements incorporated prior to final committee approval. In particular, the modified version of SESTA heightened the intent standard needed to establish a criminal violation—a key distinction separating a typical online platform provider from one that might inject itself into the online content being posted to its platform. Also, in authorizing state prosecutions notwithstanding the federal liability protections for online platforms, the bill would limit state prosecutions to those where the behavior violated the federal law.

The changes to both the House FOSTA bill and the Senate SESTA bill were the result of concerted advocacy efforts by Internet and other tech experts who testified about the critical importance played by section 230 protections. In the days before the section 230 protections were adopted over two decades ago, online providers were subject to lawsuits for allowing the posting of content. The threats were so financially significant that providers would simply bar the posting of third party content, knowing they could never fully insulate themselves from liability except by blocking all content that might be offensive to some. Since the adoption of section 230, online providers have been free to curate their sites' content without fearing liability for what others post.

Even with the improvements in both bills, ACLU continued to oppose both measures because the risks to the vibrancy of the Internet as a driver of political, artistic, and commercial communication is real and significant. Moreover, there is little to suggest that current law could not be used to find and punish the bad actors who are truly facilitating online sex traffickers. In fact there is at least one pending federal court case that makes this very argument. There are a host of state laws outlawing such behaviors and current liability protections are intended to protect only those who are simply providing a channel for others to use, not those who are determining what is posted and who have a malicious intent to do harm to others. Finally, ACLU is concerned that the scope of the bill's language will encompass the actions of sex workers who have no connection to trafficking whatsoever within its enforcement, including effective harm reduction and anti-violence tactics. Such an outcome is directly contrary to the aims of bipartisan criminal justice reformers who seek to limit the over-federalization of crime where such crimes already exist at the state level.

For the foregoing reasons, the ACLU opposes H.R. 1865 as approved by the House of Representatives. It poses a risk to freedom of speech on the Internet as we have come to know it while purporting to solve a problem that could be addressed in other ways.

If you have questions or comments about ACLU's position on this legislation, please contact First Amendment advisor Michael Macleod-Ball.

Sincerely,

FAIZ SHAKIR,
National Political Director.

Mr. WYDEN. Mr. President, the fact is that section 230 was never about protecting the incumbents. I have spent my time in public service taking on a wide array of powerful, established interests. When I wrote this policy, I never envisioned a Facebook, but I did hope it would give the little guy and

his startup a chance to grow into something big. The bottom line—the central point here—is that it worked.

Despite the fact that section 230 undergirds the framework of the internet as we know it today, there is a significant effort underway to try to take it down, to collapse it. That is, largely, because the big internet companies—the biggest ones—have utterly failed to live up to the responsibility they were handed two decades ago. I am going to explain exactly what I mean.

For these big companies, section 230 is both a sword and a shield. It offers protection from liability, but it also gives companies the authority and, more importantly, the responsibility to foster the sort of internet Americans want to be proud of. In years of hiding behind their shields, these big technology companies have left their swords to rust. Too many companies have become bloated and uninterested in the larger good, and when they have taken positive steps, as Wikimedia has, for example, their practices haven't been adopted by their peers.

I will describe one case study that was reported last week by the tech news website Motherboard.

In 2012, the website Reddit, on which individuals form communities where they share and discuss content, cracked down on users who posted nonconsensual photos of women. These have come to be known as ''creepshots.'' The website Tumblr did not sufficiently police the same inappropriate content, so these reprehensible communities simply relocated from Reddit to Tumblr, and this creepshot problem lived on. That is how easy it is for the creators of vile content to move from one platform to another.

Supreme Court Justice Potter Stewart famously observed that he couldn't define hardcore pornography, but he knew it when he saw it. Congressman Cox and I may not have known exactly what content we intended for sites to be able to take down when we wrote section 230, but I sure know it when I see it. Far too often, the big internet companies refuse to know it even when they see it.

A huge amount of that which populates social media networks each day is every bit as destructive and socially corrosive, if not more so, than the pornography at issue in that famed Supreme Court case. It is the creepshots, the sex trafficking ads, the conspiracy videos about school shootings, and anti-vax nonsense—nonsense that endangers the public health and more.

The tech giants state that no one could track the millions of posts or videos or tweets that cross their services every hour. Nobody is asking them to do that—nobody. Section 230 means they are not required to fact-check or scrub every single post or tweet or video, but there have been far too many alarming examples of algorithms that drive vile, hateful, or conspiratorial content to the top of the sites that millions of people click on every day. Companies seem to aid in the spread of this content as a direct function of their business models.

It is perfectly reasonable to expect some greater responsibility from these giant, multibillion-dollar corporations that were able to thrive as a result of protection that they were guaranteed by law. That was the idea behind section 230. That doesn't carry any obligation to suppress free speech, but it is definitely about being a responsible citizen, a responsible member of the community.

Sites like Facebook, YouTube, and Tumblr constitute the entire internet for millions of users who click through the same group of sites every single day. They have an undeniable role to play in fostering a civil environment. Their failure to do so could very well mean that the internet looks very different 10 years from now, not just for those who spread hateful and conspiracy-driven filth, but for the millions of decent people who use the internet to learn, to find entertainment, and to keep in touch with loved ones.

There was a time when the biggest internet companies had mottos like ''Don't be evil.'' Perhaps it is time for them to aspire to a more modest motto: ''Don't spread evil.''

With all of that said and done, it is not just the internet companies that fail to properly respond to the challenges of our times. When it comes to sex trafficking, which is the underlying issue the Senate is working on today, our country has failed the victims at almost every level.

(Mr. COTTON assumed the Chair.)

For example, the Justice Department could have and absolutely should have investigated the website backpage years ago for its role in promoting sex trafficking; but the fact is, the Federal Government fell down on the job.

Backpage's activities were no secret. In the absence of action by the Department of Justice, a Senate subcommittee, led by our colleagues Senators PORTMAN and MCCASKILL, conducted their own investigation and subpoenaed key documents. Among those documents were emails that appeared to show that backpage was actively working with sex traffickers to create advertisements. That meant backpage was not due protection under section 230. In fact, a lawsuit in Boston was given the go-ahead based on that precise finding. It has been widely reported that the Justice Department now has its own investigation underway, although it is coming years and years too late. This should have happened eons ago. This is only one example of where the government's efforts have fallen short.

Now, following what I have described, the twin failures of the big technology companies and Federal law enforcement, this body is responding to a very serious moral challenge with flawed policy changes. In my view, the legislation before the Senate will prove to be ineffective, it will have harmful, unintended consequences, and it could be ruled unconstitutional.

I take a backseat to no one when it comes to policies that fight sex traffickers, bring them to justice, and help the victims of their hideous crimes. I have used my position on the Senate Finance Committee to be one of the authors of laws that support victims and provide ongoing funding paid for by those convicted of crimes against children. I have worked with our colleagues, Senator CORNYN, Senator PORTMAN, Senator KLOBUCHAR, to write laws to improve the child welfare system to help prevent kids from becoming victims in the first place. I put my record up against any Member of this Congress when it comes to passing laws that while definitely not going far enough, begin the effort to provide the tools to fight this scourge, but the bill before us today is not going to stop sex trafficking. It is not going to prevent young people from becoming victims, and I am going to describe why that is the case.

First, as I mentioned earlier, the Department of Justice takes the view that an important provision in the bill is unconstitutional. In my judgment, that is another issue that Congress ought to address before sending a bill to the President's desk, but instead it looks like everybody will drive it through as is.

Second—and this is an astounding development—the legislation before the Senate is going to make it harder, not easier, to root out and prosecute sex traffickers. Let me read what the Department of Justice has said recently that proves that this bill is going to make it harder to root out and prosecute sex traffickers. The Department of Justice recently said this legislation would ''effectively create additional elements that prosecutors must prove at trial.'' Colleagues, I will just state we are heading in the wrong direction if we have legislation that would raise the burden of proof in cases against sex traffickers. Imagine that, with nationwide concerns about the evils of sex trafficking, the Department of Justice has said this bill would actually raise the burden of proof in cases against sex traffickers.

The Department of Justice wrote a letter to Chairman GOODLATTE of the House Judiciary Committee that lays out the concerns I have just described.

Mr. President, I ask unanimous consent to have printed in the RECORD the Justice Department letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AFFAIRS, OFFICE OF THE ASSISTANT ATTORNEY GENERAL,

Washington, DC, February 27, 2018.

Hon. ROBERT W. GOODLATTE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice (Department) on H.R. 1865, the ''Allow States and Victims to Fight Online Sex Trafficking Act of 2017.'' The Department supports H.R. 1865. We applaud House and Senate legislative efforts to address the use of websites to facilitate sex trafficking and to protect and restore victims who were sold for sex online. The Department appreciates this opportunity to provide technical assistance to ensure that these goals are fully met through narrowly tailored legislation. The Department also notes that a provision in the bill raises a serious constitutional concern.

Every day, trafficking victims in America appear in online advertisements that are used to sell them for sex. The Department works diligently to hold the traffickers accountable for their crimes but faces serious challenges. This is due in part to the high evidentiary standard needed to bring federal criminal charges for advertising sex trafficking, but also because the Communications Decency Act (CDA), codified at 47 U.S.C. 230, bars our state and local partners from bringing any criminal action that is inconsistent with that section. H.R. 1865 addresses both issues and would take meaningful steps to end the industry of advertising trafficking victims for commercial sex.

TECHNICAL ASSISTANCE

Section 3(a) of the bill creates 18 U.S.C. 2421A, a new federal offense that prohibits the use or operation of websites (and other means or facilities of interstate commerce) with the intent to promote or facilitate prostitution. The bill also provides for an aggravated felony if the defendant recklessly disregards that the crime contributed to sex trafficking as prohibited by 18 U.S.C. 1591(a). Section 2421A would stand as a strong complement to existing federal laws.

However, the Department notes that Section 2421A as originally drafted is broader than necessary because it would extend to situations where there is a minimal federal interest, such as to instances in which an individual person uses a cell phone to manage local commercial sex transactions involving consenting adults. Therefore, the Department would support amending the language of Section 2421A so that Congress can clarify its intent to target traffickers using or operating interactive computer services, as follows (with a corresponding change to 2421A(b)): ''Whoever, using a facility or means of interstate or foreign commerce or in or affecting interstate or foreign commerce, owns, manages, or operates an interactive computer service, as defined in Section 230(f) of Title 47, United States Code, or conspires or attempts to do so, with the intent to promote or facilitate prostitution shall be fined under this title, imprisoned for not more than 15 years, or both.''

The Department believes that any revision to 18 U.S.C. 1591 to define ''participation in a venture'' is unnecessary. Section 1591 already sets an appropriately high burden of proof, particularly in cases involving advertising. Under current law, prosecutors must prove that the defendant knowingly benefitted from participation in a sex trafficking venture, knew that the advertisement related to commercial sex, and knew that the advertisement involved a minor or the use of force, fraud, or coercion. *See Backpage.com, LLC* v. *Lynch*, D.D.C., Civil Action No. 15–2155, Docket 16 (Oct. 24, 2016). While well intentioned, this new language would impact prosecutions by effectively creating additional elements that prosecutors must prove at trial. In the context of the bill, which also permits states to bring actions for conduct equivalent to Section 1591, we are also mindful that this language could have unintended consequences as applied by the states.

Section 4 of H.R. 1865 also sets forth critical revisions to the CDA to permit state prosecutors to bring criminal actions related to sex trafficking and the use of the interact with the intent to promote or facilitate prostitution. The Department believes that the existence of this exception to the CDA will alter the landscape of the industry involved in advertising prostitution.

CONSTITUTIONAL CONCERN

We note that Section 4 of H.R. 1865 states that the changes to the CDA ''shall apply regardless of whether the conduct alleged occurred [sic], or is alleged to have occurred, before, on, or after such date of enactment.'' This raises a serious constitutional concern. Insofar as this bill would ''impose[] a punishment for an act which was not punishable at the time it was committed'' or ''impose[] additional punishment to that then prescribed'' it would violate the Constitution's Ex Post Facto Clause. *Cummings* v. *Missouri*, 4 Wall. 277, 325–326 (1867); see *Beazell* v. *Ohio*, 269 U.S. 167, 169–170 (1925); U.S. Const. art I, 9, cl. 3. The Department objects to this provision because it is unconstitutional. We would welcome the opportunity to work with Congress to address this serious constitutional concern.

Thank you for the opportunity to present our views in support of this legislation. We hope this information is helpful, and we look forward to continuing to work with Congress on this important legislation. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

STEPHEN E. BOYD,
Assistant Attorney General.

Mr. WYDEN. Mr. President, that is not the only problem when it comes to enforcing this law. The bill before the Senate is focused on taking down online advertisements, not on catching criminals or protecting victims. Taking down the ads doesn't mean the pimps and predators will stop and say: Oh, good; we see what the Senate is doing. We are now going to start following the rules. When the ads come down, colleagues, the criminals will go as fast as they can to the darkest corners of our society. Instead of stopping trafficking, the bill is going to push it to the dark web, the dark alleys, and overseas. You can't get to the dark web with traditional search engines.

Career Federal law enforcement officers, the expert investigators, are the people who know how to root out the traffickers under these circumstances. They have expertise that State and local law enforcers don't have. So my view is, by handing new authorities to local officials, the bill moves in the wrong direction.

In my view, the right approach is to make sure career, expert Federal law enforcement officers and investigators have the resources they need to get the job done. One of the amendments I will be offering today provides $20 million a year for 5 years to the Attorney General to spend in coordination with the FBI and Homeland Security to investigate and prosecute those who criminally facilitate sex trafficking. The bottom line, if Senators want law enforcement to do a better job of stopping those like backpage, my amendment gives the right people the resources they need to bring these monsters to justice.

I heard my colleague from Alaska, Senator SULLIVAN, a good friend, talk at some length about how important it was to have resources to fight the scourge of these traffickers who get more and more sophisticated. They are people who are very clever about staying out in front of the law. When they are on the dark web, it is going to take resources to fight them and put them behind bars. So our colleague from Alaska, Senator SULLIVAN, sure ought to be for this amendment because this amendment offers real money right now to prosecute these monsters and get them behind bars.

Finally, the bill before the Senate punches a hole in the legal framework of the open internet. I don't every single day quote the editors of the ''Wall Street Journal,'' but I have always had a motto that I will shout out anybody when they are right. The Journal recently summed up the impact of the bill. They said this is definitely going to be an online ''lawsuit bonanza.'' They predict any website that ''should have known'' criminal activity took place on its platform will be a target for lawsuits. Any message board or chat room where users interact with each other can become a new target for litigation.

Without specific protections for companies that make good-faith efforts to find and stop criminal behavior on their platforms, this legislation could actually punish companies that try to moderate their users' posts but let something slip through. Just by looking for illegal material, a website could be setting the table to be sued over anything they didn't find.

The second amendment I will be offering would clarify this issue. It is what is known as the Good Samaritan clause, and we felt strongly about it several decades ago. The companies decide, as a result of a poorly written bill, that their only option is to put their blinders on and ignore vile, illicit content. That is bad for everybody except for the criminals. So I want to eliminate that uncertainty, and I want particularly these small startup companies that are so important for our future to know, without a doubt, that they have the right to moderate the content users post.

So, in technical language, what this amendment says is, neither the presence nor the absence of an attempt to moderate content online can, by itself, trigger liability.

The Journal raised more than the Good Samaritan issue. Just as bad, by passing this exception to section 230, courts might make it harder to prosecute websites for other crimes. Here is what the Wall Street Journal editor said: ''If Congress provides a carve-out for sex trafficking, courts might conclude that Section 230 was intended to be applied narrowly for other crimes and make it harder to prosecute websites [that are] complicit.''

I do fear this bill is going to set off a chain reaction that leads the Congress to cut away more categories of behavior from section 230, dismantle the legal framework that has given the United States the position as a tech economy superpower. This position did not happen by osmosis. It happened because 20 years ago there was an effort to try to lay out a sensible legal foundation, a sensible legal basis for the internet, and that is what is under attack today.

If this legislation that chips away at section 230 is a bad idea for the internet, if you are following this debate, you probably want to know why the biggest internet companies are big cheerleaders for it—the big companies like Facebook. It is because it will pull up the ladder in the tech world, leaving the established giants alone at the top.

As I said, section 230, from the beginning, was all about giving the little guy the best possible chance to succeed. That is what this has always been about. The big guys can take care of themselves. We want to have a policy that encourages innovation for the startups. That has been a bedrock of my time in public service. Chipping away at the law that is going to curtail the culture of innovation and bare-knuckled competition that has been the defining characteristic of the internet for more than two decades doesn't make any sense to me.

The companies that have reached the top of the internet's economy are kind of worried about whether they are going to be able to keep their place at that altitude. Regulators once feared that Microsoft would dominate the way Americans interacted with the internet, but then a little company called Google appeared on the scene. Facebook, a half-trillion-dollar company got out of its infancy by displacing a competitor called MySpace.

I think colleagues ought to know that these established companies would do just about anything to avoid being displaced themselves. Facebook is trying to make clear that they will do just about anything not to become another MySpace.

Today, Facebook is under attack for allowing the Russians to interfere with our elections. They are under attack for giving hate groups a platform to spread their bile. They are under attack for giving conspiracy theorists, through their algorithms, a platform to lure in the unsuspecting. They are under attack for collecting, monetizing, and storing far more personal information than their users ever suspected. It is a great tool for connecting with family and friends, but it is also something a small team of well-caffeinated coders could duplicate and improve upon in terms of its functionality without a lot of difficulty and without some of the baggage Facebook has picked up over the last 6 months.

So how do they stay on top? One way is to acquire the competition. Young people always tell me that nobody under 30 uses Facebook. The new generation certainly uses Instagram, so they might not even know that it is part of the same megacompany bought out by Facebook. But you can't buy everybody, so then you go to the oldest trick in the book—make it harder for new companies to get in the game. You don't have to compete if there is no competition, and that is where this legislation comes in.

If internet startups are no longer protected by section 230 and they are exposed to the threat of near constant litigation, it is going to be a lot tougher for them to secure injections of funding and grow. Fewer venture capital firms will be willing to risk their deep pockets if their early-round investments are swallowed up by legal fees instead of paying for coders. But in the eyes of the giant, established corporations, a world without section 230 isn't seen as much of a threat. The $50 million a year in liability statements for these big companies is a drop in the bucket for them. It is the cost of doing business. And it is an added benefit if the cost is too high for new companies to be able to get in the game.

The biggest of these internet companies are trying to hold on to their position at the top with all their might, and they are certainly very interested in using the government to do it. That has been true of a lot of industries before them, and it should come as no surprise that it happens again in the technology area.

The Facebooks of the world will tell you how important section 230 was to the innovation of the last 20 years. Yet there are technology companies like IBM that haven't done a lot of innovating for the last 20 years that want to see section 230 done away with entirely for trumped-up reasons. So, for business, let's not mistake what this debate is all about for a lot of these big, multinational companies. It is not about right or wrong; it is about dollars and cents.

So what does the future hold? As the Wall Street Journal observed, a lawsuit bonanza is in the works. It is pretty ironic that a Republican Congress and a Republican President are going to create the biggest new source of opportunities for trial lawyers in decades.

For the technology business, this bill means bigger is better—not better for innovation, not better for consumers, but better for the profits of those lucky enough to have reached the top of the mountain first.

It is safe to expect a slew of proposed new exceptions to section 230. When somebody is injured, they and their families want recourse, but our legal system is woefully bad at delivering justice. It is unfortunately far better at facilitating deals—often unjust deals—because numbers are far easier than doing right. This failure means that a line of injured parties will be petitioning to seek the sort of recompense only their Member of Congress can provide.

For America, section 230 is very likely the reason we have a multitude of billion-dollar internet employers and the Europeans have exactly zero. Where countries aren't hiding behind the trade barrier of the great firewall or other artificial market forces, American innovation has won out over the rest of the world.

I think it is pretty hard to see our country thrive and prosper without the kind of legal foundation I have described today, without these 230 protections. And a whole host of scholars have pointed out that this is a unique law in the world. It is the case where the United States got the temperature right from the beginning, and it has led to our dominance in tech. But if the United States goes out and puts all those cracks—those potential cracks, the real cracks—into the foundation of section 230, I would wager that there are plenty of other countries that are going to change their laws to siphon away our companies and take the jobs they create.

The fact is—and I am not sure we in the Senate think about it every day—we are in a fight for the internet literally every day. Our internet companies aren't engaged in the fight. Their interest is currying favor with nations with which they wish to do business. The Chinese, the Iranians, the Russians, even our European allies are maneuvering to impose a more repressive view of speech and expression on individuals around the world, and unfortunately it has a lot of allies here at home.

Free speech has never been free, and it is often not popular. It was wrested from the grip of a dominating state, and it ought to be—it must be defended by every generation, lest the state reclaim control.

Today, in my view, the Senate is looking at taking a real step backward and down a path that this body will regret.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the budget point of order and the motion to waive, there be 2 minutes, equally divided, prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2213

Mr. MCCONNELL. Mr. President, the pending amendment No. 2213 offered by

Senator WYDEN would violate the Senate pay-go rule by increasing the on-budget deficit. Therefore, I raise a point of order against this measure pursuant to section 4106(a) of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, this is in relation to an amendment that has been offered by my colleague Mr. WYDEN. It has to do with funding for the Department of Justice dealing with trafficking. I appreciate the intent behind it, but I will tell you, as one of the letters from the law enforcement community, who are opposing this amendment, said, this is a poison pill. This will derail this in the House of Representatives.

We have law enforcement from the Fraternal Order of Police, the National District Attorneys Association, and from all of the national groups opposing this amendment because they believe it is so important to pass the underlying legislation and to do it now to provide the justice that the victims of human trafficking deserve.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I believe strongly that Congress must do more to combat the scourge of sex trafficking and bring these monsters to justice and actually put them behind bars.

I have heard my colleagues from the other side talk again and again about how more resources are needed to fight this evil. This is the only proposal offered to actually put more dollars into the hands of prosecutors to get the criminals behind bars, and it is going to be harder to prosecute them now that they have moved to the dark web.

My colleague has said that prosecutors are against it. It is because my colleague has worked as hard as he could to tell prosecutors that if anything like this is added, it is going to die in the House. Let me just tell my colleague that when we put in more money to prosecute these monsters and it passes, the other body will pass it in about 15 minutes.

I urge my colleagues to vote for the only amendment that actually is going to put these criminals behind bars because we are putting real money into that effort.

I yield the floor.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to waive.

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TOOMEY). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 21, nays 78, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—21

Booker	Hirono	Peters
Cantwell	Jones	Sanders
Casey	Leahy	Stabenow
Coons	Markey	Tester
Donnelly	McCaskill	Udall
Gillibrand	Merkley	Van Hollen
Heinrich	Murray	Wyden

NAYS—78

Alexander	Feinstein	Murphy
Baldwin	Fischer	Nelson
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Boozman	Harris	Risch
Brown	Hassan	Roberts
Burr	Hatch	Rounds
Capito	Heitkamp	Rubio
Cardin	Heller	Sasse
Carper	Hoeven	Schatz
Cassidy	Inhofe	Schumer
Cochran	Isakson	Scott
Collins	Johnson	Shaheen
Corker	Kaine	Shelby
Cornyn	Kennedy	Smith
Cortez Masto	King	Sullivan
Cotton	Klobuchar	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 21, the nays are 78.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak to the body for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2212 WITHDRAWN

Mr. WYDEN. Mr. President, in my view, it is clear that when colleagues face so much political headwind, they don't feel comfortable supporting something I know they all believe in very deeply. I believe every Senator believes there ought to be real money to go after sex traffickers. I have spoken to colleagues on both sides of the aisle, and they have taken a real pounding on these amendments. My sense is that there would also be opposition to what I think is another practical, good idea, which is the Good Samaritan amendment.

As I have stated, because I anticipate having to turn back to this topic in short order after the effects of this bill become clear, I am going to save this topic for a vote at that time.

Mr. President, I ask unanimous consent to withdraw amendment No. 2212.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The remaining amendment is withdrawn.

Mr. WYDEN. Mr. President, with that amendment having been withdrawn, I ask unanimous consent that there now be 2 minutes for debate, equally divided, prior to the vote on passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Ohio.

Mr. PORTMAN. Mr. President, I strongly urge my colleagues to join us in supporting this legislation. Most of you are cosponsors already. It strikes the right balance. It helps to allow victims to get the justice they deserve and, lastly, to hold these websites accountable through prosecution, while at the same time protecting the free and open internet.

I would like to yield my remaining time to my coauthor and colleague Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I say thank you to my colleague Senator PORTMAN for his hard work. When we began this legislation, no one gave us a chance because of the entrenched and powerful interests against us. This measure will unlock the courthouse doors to survivors and to law enforcement who can stop sex trafficking—a scourge, modern-day slavery in this country. I thank so many of my colleagues for cosponsoring it and for helping to lead this effort that will make a difference in the lives of countless young girls and women and men who are victims and survivors.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, as I stated several hours ago, I stand firmly with colleagues who believe more must be done to fight the scourge of sex trafficking and, particularly, to put these monsters behind bars. The bill before us, in my view, takes a flawed approach. What is going to happen is that the criminal sex trafficker is going to head toward the dark web. This is a place you cannot access with a traditional search engine. It is going to be harder when they are in the shadowy corners of our country, of the internet, in order to prosecute them. It is also going to chip away at the foundation of the net, which is so important for vulnerable people. It is why the Human Rights Campaign Fund has made it

clear that they are opposed to the bill. We shouldn't be putting at risk vulnerable groups and small startups.

Given that, I believe that this bill, which will clearly pass, will be something the Senate will come to deeply regret. I will be opposing the bill.

The PRESIDING OFFICER. The Senator's time has expired.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. PORTMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—97

Alexander	Flake	Murray
Baldwin	Gardner	Nelson
Barrasso	Gillibrand	Perdue
Bennet	Graham	Peters
Blumenthal	Grassley	Portman
Blunt	Harris	Reed
Booker	Hassan	Risch
Boozman	Hatch	Roberts
Brown	Heinrich	Rounds
Burr	Heitkamp	Rubio
Cantwell	Heller	Sanders
Capito	Hirono	Sasse
Cardin	Hoeven	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Cassidy	Johnson	Shaheen
Cochran	Jones	Shelby
Collins	Kaine	Smith
Coons	Kennedy	Stabenow
Corker	King	Sullivan
Cornyn	Klobuchar	Tester
Cortez Masto	Lankford	Thune
Cotton	Leahy	Tillis
Crapo	Lee	Toomey
Cruz	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	McConnell	Warren
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Ernst	Moran	Young
Feinstein	Murkowski	
Fischer	Murphy	

NAYS—2

Paul	Wyden

NOT VOTING—1

McCain

The bill (H.R. 1865) was passed.

The PRESIDING OFFICER (Mr. GARDNER). The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 596 and 671.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The bill clerk read the nominations of David J. Ryder, of New Jersey, to be Director of the Mint for a term of five years; and Thomas E. Workman, of New York, to be a Member of the Financial Stability Oversight Council for a term of six years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Ryder and Workman nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, during Women's History Month, as we celebrate the mothers, daughters, sisters, and, for some of us, the granddaughters in our lives, I would like to take a minute and honor a few women from my home State of Illinois.

During the nearly 170–year history of the New York Times, only about 15 to 20 percent of its obituaries have been written for women. Earlier this month, the New York Times announced a new feature called ''Overlooked,'' celebrating the lives of people from underrepresented communities. March, being Women's History Month, the New York Times started by publishing obituaries for 15 women who never received them. The first on the list: Ida B. Wells. Now, Ida is not from Illinois, but her incredible life's journey brought her to Chicago near the end of the 19th century, where she lived until her death in 1931.

Born into slavery, less than a year before the Emancipation Proclamation, Ida B. Wells was an intrepid journalist and a trailblazing activist in the Civil Rights and woman's suffrage movements. Ida was recognized worldwide for her writings exposing the truth behind why Black men were being lynched in the South. Ida B. Wells' work forced her from her home in the South, and after traveling to New York and England, Ida settled in Chicago.

Among her many accomplishments, including helping launch the National Association of Colored Women and the National Association for the Advancement of Colored People, Ida B. Wells became an early pioneer in social work, fighting for justice and equality. Following her death, the Chicago Housing Authority, recognizing the need for affordable housing for African Americans in the late 1930s, began a project to provide 1,662 apartments, two and three story row houses, sitting on 47 acres of land in the Bronzeville and Oakland neighborhoods of Chicago. They were named the Ida B. Wells Homes. She certainly left her mark in Chicago.

Not far from my Chicago office, Ida B. Wells is among the 65 women honored in the Chicago Women's Park & Gardens. The park also includes a beautifully moving monument called ''Helping Hands,'' recognizing the contributions and legacy of Jane Addams, one of the world's most influential social reformers.

In 1888, Jane Addams and her friend Ellen Starr visited a settlement house called Toynbee Hall in the slums of London, which provided a variety of services to poor industrial workers. It sparked what would become their lifelong mission helping the poor and championing the rights of all, including immigrants, women, and children. Jane Addams and Ellen Starr were determined to bring that model to the United States, which was emerging as an industrial giant and in the early years of an immigration boom.

In 1889, Jane Addams and Ellen Starr returned to Chicago and started Hull House, the first settlement house in the United States. Its humble beginnings started by simply inviting people from the community to hear readings from books or look at slides of paintings. They listened to those who came, and it became clear that many of the neighborhood's women were in desperate need for a place to bring their children. So they started a kindergarten and daycare for working mothers. As it expanded, Hull House helped prevent the exploitation of immigrants living on the West Side of Chicago by providing services such as housing, child, medical aid, educational, and vocational classes.

In addition to her contributions in the field of social work, Jane Addams was known as one of the leading antiwar activists in the country. During World War I, she became the chair of the Women's Peace Party and president of the Women's International League for Peace and Freedom. Jane Addams' efforts to end the war earned her the 1931 Nobel Peace, becoming the first American woman to receive the honor.

In the spirit of these remarkable women, I would like to fast forward to today and mention the work of two of my heroes who belong to the Sisters of Mercy of the Americas religious order: Sister JoAnn Persch and Sister Pat Murphy. Between the two of them, they have nearly 200 years of doing God's work here on Earth. As was true in Jane Addams' day, immigrants, refugees, and individuals seeking asylum so often arrive in our country and communities with urgent needs: food, clothing, shelter. For years, they have supported immigration reform, marching at rallies, speaking at news conferences, and lobbying Illinois State senators and representatives in Springfield. They have become so well known in immigration circles, they are simply known as ''the Sisters.''

In 2007, when ''the Sisters'' were told they couldn't provide pastoral counseling to immigrant detainees in jails and in the Federal Immigration Detention Center on Broadview, they said: ''We'll see about that.'' So they founded the Interfaith Committee for Detained Immigrants, or ICDI. The next year, the ICDI persuaded the Illinois General Assembly to change the law and allow immigrants, refugees, and asylum-seekers in detention in my home State to receive pastoral counseling, if they choose, and they didn't stop there. ICDI has since grown to provide a broad range of services to immigrants who are detained and those who are awaiting action on their cases, from legal assistance and help learning English, to healthcare, and more. ICDI also runs two hospitality houses in the Chicago area, one for men and the other for women and children in Hyde Park. I have seen the good work being done in Hyde Park, and let me tell you, Jane Addams would be proud.

I will close with a story about one of the many families that ICDI has helped: the Saffaf family. Four years ago, Marwan Saffaf was a banker, living with his wife and their four children in Hama, Syria, a town about 85 miles from Aleppo. This was 2 years into Assad's bloody assault on the Syrian people. Marwan knew that he and his family had to leave Syria after he was kidnapped and threatened by gunmen who mistook him for a government official. The family fled to the United Arab Emirates.

After 2 years, Marwan received permission for most of his family to come to America. But for some reason, his eldest child—his only daughter—was denied permission to join her younger siblings. So Marwan and his wife made one of the hardest decisions of their lives. Marwan and the boys would come to America. His wife and daughter would wait in the UAE for permission to join them. With help from ICDI, Marwan and the boys found a new home, an apartment in Des Plaines, IL, and landed a new job.

Two years after Marwan and his boys arrived in Chicagoland, Marwan's wife and daughter finally received permission to come to America. Then came President Trump's first Executive order—banning immigrants from seven majority-Muslim nations—including Syria—from entering the United States. Marwan's wife and daughter's future in this country was unclear. Fortunately, the President's order was blocked, and after 2 years of living apart and in fear, the Saffaf family was finally reunited. Thank goodness for ''the Sisters'' and ICDI.

We could use more strong, courageous women like Sister JoAnn Persch and Sister Pat Murphy who fearlessly follow in the footsteps of trailblazing women like Ida B. Wells and Jane Addams. This March, as we once again honor the women who have moved this country forward and inspired each of us, let's renew the challenge to build on their legacies and fight for the country they envisioned.

RECOGNIZING SMALL BUSINESS DEVELOPMENT CENTERS

Mr. RISCH. Mr. President, today I would like to honor the exceptional impact made by America's small business development centers on the small business community. As chairman of the Senate Committee on Small Business and Entrepreneurship, I recognize the importance of the work done by the nearly 1,000 small business development centers across America. This SBA resource partner works tirelessly to support the backbone of our economy, and we thank them for their significant contributions to our small business community.

America's small business development centers, or SBDCs, provide our country's small businesses with high-quality consulting and educational programs, at low or no-cost to the entrepreneur. With centers in all 50 States, this network supports both established small businesses and developing entrepreneurs alike. SBDCs help America's entrepreneurs develop and execute individual business plans tailored to fit their needs, experience, and level of business acumen.

SBDC staff understand the unique local challenges of entrepreneurship specific to their area which is one of the many things that sets their services apart. This tailored approach benefits nearly 500,000 entrepreneurs a year and creates over 95,000 jobs annually. Additionally, sales growth in SBDC clients averages 13.6 percent, a rate four times greater than the national average. These statistics demonstrate America's small business development centers' dedication to excellence, and I congratulate them on their hard work.

In my home State of Idaho, the Idaho small business development center is determined to help businesses grow with consulting and training. Last year, the Idaho SBDC achieved a return on investment of five to one, and created over 1,300 jobs. Their network served over 1,600 clients and helped start more than 100 businesses. One of these clients is House of Design, a robotics and systems firm located in Nampa. House of Design offers engineering consulting, robotic system, and machine vision integration services across a variety of industries. Shane Dittrich, the owner of House of Design, believes that his company would not be where it is today without SBDC assistance. Since its inception in 2008, House of Design has grown into one of the top engineering firms in the region and now partners with multiple firms across Idaho to produce high-quality engineering and robotics products. House of Design is an example of both the unique entrepreneurial spirit of Idaho as well as the impact SBDCs have on small businesses across America.

I would like to thank and congratulate America's small business development centers for their efforts this past year. The support they provide to small businesses across our country is considerable, and it is my pleasure to recognize today, the March 21, 2018, as SBDC Day. I wish them the best of luck and continued success as they move forward in their work to enhance American entrepreneurs.

Mr. CARDIN. Mr. President, today, as the ranking member of the Senate Committee on Small Business and Entrepreneurship, I wish to recognize America's small business development centers, SBDC, and the vital role this national business assistance and counseling network plays in supporting economic development, job creation, and success at our Main Street small businesses.

The mission of the nationwide SBDC network is to help America's entrepreneurs realize the dream of businessownership and assist existing small businesses in adapting to the changing marketplace and compete in the global economy.

SBDCs are hosted by universities, colleges, and State economic development agencies and funded in part by our Small Business Administration. There are nearly 1,000 SBDC service centers and 4,000 SBDC consultants available to provide free and low-cost business consulting and training to help entrepreneurs write a business plan, access capital, market their products, and recover when a disaster strikes.

SBDCs offer a great return on investment for taxpayers. It is estimated that SBDC small business clients create a new job every 5 minutes and a new business every 30 minutes and generate $100,000 in capital every 10 minutes. Job growth for SBDC clients is more than 14 times higher than job growth for an average business.

Last year, the Maryland SBDC at the University of Maryland in College Park assisted almost 8,000 businesses, counseled 2,200 entrepreneurs, and helped train nearly 5,700 businessowners. Small business services provided by the Maryland SBDC led to the creation of 208 businesses and 1,251 jobs and access to $49 million in capital.

Behind the statistics are real Marylanders who realized their small business dream with the help of an SBDC consultant, like a women-owned restaurant in Baltimore called Flavor.

In 2015, Julia and Vanna Belton went to their local SBDC office for help securing a business loan. After months of tinkering with their business plan and adjusting their loan paperwork, their SBDC consultant guided Julia and Vanna to approval on an $800,000 SBA loan they used to purchase and renovate a building for their restaurant.

Today, the restaurant has $1.2 million in revenue and 30 full and part-time employees. Last year, they were named Maryland's ''2017 Women-owned Business of the Year.''

Flavor is just one of the millions of small businesses and entrepreneurs who have been touched by America's Small business development centers over the last 35 years. I ask my colleagues to join me in recognizing the dedicated men and women of America's small business development center network and to thank them for their commitment to the small businesses that drive the American economy.

Thank you.

TRIBUTE TO JEREMY WEIRICH

Mr. SHELBY. Mr. President, today I wish to express my gratitude to Jeremy Weirich, who has served as clerk for the Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, or CJS, for his many years of distinguished public service.

Jeremy has dedicated much of his career to public service. He first came to the Senate in 2006 as a detailee from the National Oceanic and Atmospheric Administration, NOAA, where he was serving as an NOAA Corps officer. The CJS Subcommittee needed an expert on all things NOAA, and Jeremy was brought to our attention as someone knowledgeable, capable, and ready to take on the challenge. He did not disappoint.

After his first stint at CJS, Jeremy returned to NOAA, but his knowledge and skills brought him back to the Senate in 2008. He initially worked on CJS for Senator Barbara Mikulski and then later as my subcommittee clerk. Jeremy is one of the few people on the Senate Appropriations Committee who has served as a clerk for both sides of the aisle. His honesty, integrity, and thoughtfulness have assisted in moving legislation through difficult situations. As can be witnessed by his dedicated work on behalf of both sides of the aisle, Jeremy is truly a consummate professional. His dealings with the members and staff in the Senate, both Republican and Democrat alike, are qualities that we all should strive to emulate.

Jeremy's first love is the ocean, having served as the first executive officer of the *Okeanos Explorer*, as well as at NOAA. He carried that forward on CJS as he made sure that while we modernized our Nation's weather forecast system and took the first steps to make major capital investments in the NOAA fleet, we did so in a responsible manner. Jeremy helped ensure that our Nation's fisheries are managed responsibly and was always able to thread the needle in balancing the many differing interests. Jeremy's passion for exploration also helped guarantee that America has the vehicles and technology to further explore space with telescopes, satellites, and humans. He assisted in building the space launch system, but also kept an eye on the next generation of scientific exploration—everything from the James Webb Space Telescope to Mars rovers to Europa.

Jeremy embraced the justice portion of the CJS portfolio by promoting public safety, overseeing the current home of the FBI's Terrorist Explosive Device Analytical Center, and being instrumental in implementing the Federal Bureau of Investigation's 21st century facilities plan.

Most importantly, Jeremy approached his work with an essential appropriator's attitude: Let's get the job done. He was always ready to listen to members and their staffs, as well as experts from the agencies and outside communities. Every year, Jeremy worked tirelessly to craft a bill that garnered wide bipartisan support, and every year, he got the job done.

As Jeremy leaves the Senate after a decade of hard work and dedicated public service, he leaves the Committee on Appropriations in a better place, with a long list of accomplishments that have bettered our Nation. He also leaves many colleagues that are sad to see him go.

I want to thank Jeremy for his honorable service. I join the entire committee in wishing him continued success in his future endeavors and continued happiness in the years to come.

ADDITIONAL STATEMENTS

REMEMBERING ROBERT JOSEPH BURKE

• Mr. MENENDEZ. Mr. President, today I wish to honor the memory of the late Robert Joseph Burke of Hoboken, NJ, who passed away last month. On this day, March 21, 2018, Mr. Burke would have celebrated his 85th birthday. I had the pleasure of knowing Robert Burke personally, and I know that his legacy will continue to be celebrated through the times he shared with us.

Mr. Burke was born in Yonkers, NY in 1933. He served our Nation in the U.S. Army during the Korean war. After his military service, Robert led a successful business career as the chief executive officer of Union Dry Dock & Repair and the chairman of the Board of Hudson United Bancorp. Burke was also active within the Irish-American community through the Society of the Friendly Sons of St. Patrick in New York City.

Robert was a beloved husband to his wife, Mariella, and a dedicated father to his five children Mary Lou Kenny, Robert P. Burke, Laureen Flock, Susan Quinn, and Claudia Cytrynbaum. Robert had 15 grandchildren, and I have no doubt that his memory lives on through each and every one of them.•

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2040. An act to designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the ''Amelia Earhart Post Office Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4463. An act to designate the facility of the United States Postal Service located at 6 Doyers Street in New York, New York, as the ''Mabel Lee Memorial Post Office''.

H.R. 4566. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide relief to nonbanks from certain stress test requirements under such Act.

ENROLLED BILL SIGNED

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2030. An act to deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4463. An act to designate the facility of the United States Postal Service located at 6 Doyers Street in New York, New York, as the ''Mabel Lee Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4566. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide relief to nonbanks from certain stress test requirements under such Act; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2213. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes (Rept. No. 115–215).

H.R. 4300. A bill to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II, and for other purposes (Rept. No. 115–216).

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 224. A resolution recognizing the 5th anniversary of the death of Oswaldo Paya Sardinas, and commemorating his legacy and commitment to democratic values and principles.

S. Res. 376. A resolution urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. ERNST:

S. 2581. A bill to amend title 5, United States Code, to provide for a 2-year prohibition on employment in a career civil service position for any former political appointee, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. WARREN (for herself, Ms. HASSAN, Mr. SANDERS, Ms. HARRIS, Ms. BALDWIN, and Mrs. GILLIBRAND):

S. 2582. A bill to provide health insurance reform, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself and Mr. COTTON):

S. 2583. A bill to amend the Foreign Agents Registration Act of 1938 to limit the exemption from the registration requirements of such Act for persons engaging in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or the fine arts to activities which do not promote the political agenda of a foreign government, to amend the Higher Education Act of 1965 to clarify the disclosures of foreign gifts by institutions, and for other purposes; to the Committee on Foreign Relations.

By Ms. BALDWIN (for herself, Mr. BENNET, Mr. BOOKER, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HASSAN, Ms. HEITKAMP, Ms. HIRONO, Mr. JONES, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Ms. SMITH, Ms. STABENOW, Ms. WARREN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Ms. CANTWELL, Ms. DUCKWORTH, Ms. HARRIS, Mr. MERKLEY, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Mr. UDALL, Mr. VAN HOLLEN, and Mr. WYDEN):

S. 2584. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DONNELLY (for himself and Mr. PORTMAN):

S. 2585. A bill to amend the Water Resources Development Act of 2000 to permanently extend the authority of the Secretary of the Army to accept and expend funds from certain entities to process permits; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. SULLIVAN, and Mrs. FISCHER):

S. 2586. A bill to amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2587. A bill to amend the Endangered Species Act of 1973 to establish a program to allow States to assume certain Federal responsibilities under that Act with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2588. A bill to amend title 54, United States Code, to establish a program to allow States to assume certain Federal responsibilities under that title with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 283

At the request of Ms. WARREN, her name was added as a cosponsor of S. 283, a bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes.

S. 292

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 292, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 307

At the request of Mrs. ERNST, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 307, a bill to enhance the database of emergency response capabilities of the Department of Defense.

S. 427

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 427, a bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program.

S. 1400

At the request of Ms. BALDWIN, her name was added as a cosponsor of S. 1400, a bill to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and for other purposes.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Alabama (Mr. JONES) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1693

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 1693, supra.

S. 1756

At the request of Mr. SULLIVAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1756, a bill to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes.

S. 2135

At the request of Mr. CORNYN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2135, a bill to enforce current law regarding the National Instant Criminal Background Check System.

S. 2278

At the request of Ms. HEITKAMP, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to provide grants to improve health care in rural areas.

S. 2492

At the request of Mr. TOOMEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alabama (Mr. JONES) were added as cosponsors of S. 2492, a bill to provide for the reporting to State and local law enforcement authorities of cases in which the national instant criminal background check system indicates that a firearm has been sought to be acquired by a prohibited person, so that authorities may pursue criminal charges under State law, and to ensure that the Department of Justice reports to Congress on prosecutions secured against prohibited persons who attempt to acquire a firearm.

S. 2513

At the request of Mr. ALEXANDER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2513, a bill to improve school safety and mental health services.

S. 2572

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2572, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. HATCH, Mr. SULLIVAN, and Mrs. FISCHER):

S. 2586. A bill to amend the Federal Water Pollution Control Act to increase the ability of a State to administer a permit program under that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2586

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

SECTION 1. STATE ADMINISTRATION OF CERTAIN PERMITS UNDER FEDERAL WATER POLLUTION CONTROL ACT.

Section 404(g) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)) is amended—

(1) in paragraph (1), in the second sentence, by striking ''In addition, such State'' and inserting the following:

''(B) REQUIREMENT.—In submitting a proposal to the Administrator under subparagraph (A), the State'';

(2) by striking the subsection designation and all that follows through ''The Governor'' in the first sentence of paragraph (1) and inserting the following:

''(g) STATE ADMINISTRATION.—

''(1) STATE PERMIT PROGRAM.—

''(A) IN GENERAL.—The Governor''; and

(3) in paragraph (1), by adding at the end the following:

''(C) APPLICATIONS BY CERTAIN STATE DEPARTMENTS OF TRANSPORTATION.—

''(i) IN GENERAL.—A State department of transportation that has assumed the responsibilities of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) under the surface transportation project delivery program under section 327 of title 23, United States Code, may apply to the Administrator to administer an individual and general permit program under subparagraph (A) with respect to highway projects subject to that assumption of responsibility.

''(ii) TREATMENT.—For the purpose of this subsection, a reference to a State shall be deemed to include a State department of transportation described in clause (i).''.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2587. A bill to amend the Endangered Species Act of 1973 to establish a program to allow States to assume certain Federal responsibilities under that Act with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2587

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

SECTION 1. ASSUMPTION BY STATES OF CERTAIN ESA RESPONSIBILITIES.

(a) IN GENERAL.—The Endangered Species Act of 1973 is amended by inserting after section 6 (16 U.S.C. 1535) the following:

''SEC. 6A. ASSUMPTION BY STATES OF CERTAIN RESPONSIBILITIES RELATING TO HIGHWAY PROJECTS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall carry out an assignment program (referred to in this section as the 'program') to allow States to assume certain responsibilities of the Secretary with respect to agency actions applicable to highway projects within the State.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to the other requirements of this section, on written agreement of the Secretary and a State (which may be in the form of a memorandum of understanding), the Secretary may assign, and the State may assume, the responsibilities of the Secretary under subsections (a) and (b) of section 7 with respect to agency actions (as defined in subsection (a)(2) of that section) that are applicable to 1 or more highway projects in the State.

''(B) ADDITIONAL RESPONSIBILITY.—

''(i) IN GENERAL.—If a State assumes responsibility under subparagraph (A)—

''(I) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary described in that subparagraph for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of highway projects described in the agreement referred to in that subparagraph; and

''(II) subject to clause (ii), on the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary described in that subparagraph for 1 or more railroad, public transportation, or multimodal projects within the State.

''(ii) EXCLUSION OF PROJECTS.—In any State that assumes a responsibility of the Secretary under clause (i)(II), a recipient of assistance under chapter 53 of title 49, United States Code, may submit to the Secretary a request that the Secretary shall maintain the responsibility of the Secretary with respect to 1 or more public transportation projects carried out by the recipient in the State.

''(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if the responsibility were carried out by the Secretary.

''(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary that is not explicitly assumed by a State by written agreement under this section shall remain the responsibility of the Secretary.

''(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of a Federal agency (other than the United States Fish and Wildlife Service), except with respect to an authority delegated by the Secretary pursuant to subparagraph (A) under applicable law regarding a project or agency action described in subparagraph (A) or (B).

''(F) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the program, to forgo a project delivery method that is otherwise permissible for a project described in subparagraph (A) or (B).

''(G) LEGAL FEES.—A State that assumes a responsibility of the Secretary under this section for a project described in subparagraph (A) or (B) may use funds apportioned to the State under section 104(b)(2) of title 23, United States Code, as necessary, for attorneys' fees directly attributable to eligible activities associated with the project.

''(b) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—To be eligible to participate in the program, a State shall—

''(A) be participating in the surface transportation project delivery program under section 327 of title 23, United States Code; and

''(B) assume the responsibilities of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to that section.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required in any application of a State to participate in the program, including, at a minimum—

''(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application in accordance with the regulations described in paragraph (2) shall give notice of the intent of the State to participate in the program by not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice requirements of the State.

''(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this subsection only if—

''(A) any necessary changes to regulations pursuant to paragraph (2) have been carried out;

''(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the head of the State agency with primary jurisdiction over highway matters enters into a written agreement with the Secretary, as described in subsection (c).

''(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application of the State under this subsection.

''(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

''(1) be executed by—

''(A) the Governor of the applicable State; or

''(B) the top-ranking transportation official in the State who is charged with responsibility for highway construction;

''(2) be in such form as the Secretary may require;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the Secretary referred to in subsection (a);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge,

and enforcement of any responsibility of the Secretary assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, United States Code, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(d) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility assumed by the State pursuant to this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

''(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

''(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of, and without further approval of, the Secretary, those responsibilities, until the date on which the program is terminated in accordance with subsection (j).

''(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

''(g) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with an agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program, the Secretary shall—

''(A) not later than 180 days after the date of execution of the applicable agreement, meet with the State—

''(i) to review the implementation of the agreement; and

''(ii) to discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation in the program; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review, and provide comments regarding, the proposed members of the audit team.

''(h) MONITORING.—After the end of the fourth year of the participation by a State in the program, the Secretary shall monitor compliance by the State with the written agreement under subsection (c), including the provision by the State of financial resources to carry out the written agreement.

''(i) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the program during the preceding calendar year.

''(j) TERMINATION.—

''(1) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of a State in the program if—

''(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State pursuant to this section;

''(B) the Secretary provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period for corrective action provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

''(2) TERMINATION BY STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice, by not later than the date that is 90 days before the date of termination, subject to such terms and conditions as the Secretary may provide.

''(k) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the program; and

''(2) to promote information sharing and collaboration among States that are participating in the program.

''(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under this section may, as appropriate and on the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training regarding consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with—

''(A) section 7; and

''(B) any comparable requirements under State law.''.

(b) CONFORMING AMENDMENTS.—Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) FEDERAL AGENCY ACTIONS.—

''(A) IN GENERAL.—The Secretary shall—

''(i) review other programs administered by the Secretary; and

''(ii) use those programs in furtherance of the purposes of this Act.

''(B) OTHER AGENCIES.—The head of each other Federal department or agency, in consultation with, and with the assistance of, the Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable, shall use the authorities of the department or agency in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed under section 4.'';

(B) in paragraph (2)—

(i) in the second sentence, by striking ''In fulfilling'' and inserting the following:

''(B) USE OF DATA.—In fulfilling''; and

(ii) by striking the paragraph designation and all that follows through ''not likely'' in the first sentence and inserting the following:

''(2) AGENCY ACTIONS.—

''(A) IN GENERAL.—The head of each Federal department or agency, in consultation with, and with the assistance of, the Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable, shall ensure that any action authorized, funded, or carried out by the department or agency (referred to in this section as an 'agency action') is not likely''; and

(C) in paragraphs (3) and (4), by inserting ''or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable,'' after ''with the Secretary'' each place it appears;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''within the 90-day'' and all that follows through the period at the end of the subparagraph and inserting the following: ''within—

''(i) the 90-day period beginning on the date on which the consultation is initiated; or

''(ii) subject to subparagraph (B), such other time period as is mutually agreeable to—

''(I) the Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable; and

''(II) the head of the affected Federal department or agency.''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''the Federal'' and inserting ''or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable, and the head of the affected Federal department or''; and

(II) in the undesignated matter following clause (ii), by striking ''The Secretary'' and all that follows through ''before'' and inserting the following:

''(C) APPLICANT CONSENT.—The Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable, and the head of the affected Federal department or agency may mutually agree to extend a consultation period established under subparagraph (B) if the Secretary or the State that has assumed responsibility from the Secretary, as applicable, before'';

(B) in paragraph (2), by striking ''agreeable to'' and all that follows through the period at the end of the paragraph and inserting the following: ''agreeable to—

''(A) the Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable;

''(B) the head of the affected Federal department or agency; and

''(C) the applicant concerned.'';

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by inserting ''or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable,'' after ''the Secretary'' each place it appears;

(II) in the first sentence, by striking ''the Secretary's opinion'' and inserting ''the

opinion of the Secretary or the State, respectively,''; and

(III) in the second sentence, by striking ''he believes'' and inserting ''the Secretary or the State, respectively, believes''; and

(ii) in subparagraph (B)—

(I) by striking ''an opinion based by the Secretary incident to'' and inserting ''an opinion of the Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable, based on''; and

(II) by striking ''the Secretary reviews'' and inserting ''the Secretary or the State, respectively, reviews'';

(D) in paragraph (4)—

(i) in the undesignated matter following subparagraph (C), by striking ''the Secretary shall provide the Federal agency and the applicant concerned, if any, with'' and inserting the following:

''(5) DESCRIPTION OF WRITTEN STATEMENT.—A written statement referred to in paragraph (4) is'';

(ii) by striking the paragraph designation and all that follows through ''the Secretary'' in the matter preceding subparagraph (A) and inserting the following:

''(4) REQUIREMENT ON CERTAIN CONCLUSION.—The Secretary or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable, shall provide to the head of the affected Federal department or agency and the applicant concerned, if any, a written statement described in paragraph (5) if, after consultation under subsection (a)(2), the Secretary or the State, respectively,'';

(iii) in subparagraph (A), by striking ''which the Secretary believes'' and inserting ''that the Secretary or the State, respectively, believes''; and

(iv) in subparagraph (C), by striking the semicolon at the end and inserting ''(16 U.S.C. 1371(a)(5)).''; and

(E) in paragraph (5) (as designated by subparagraph (D)(i))—

(i) in each of clauses (i) and (ii)—

(I) by striking ''such'' each place it appears and inserting ''the applicable''; and

(II) by striking the comma at the end of the clause and inserting a semicolon;

(ii) in clause (iii), by striking ''with regard to such taking, and'' and inserting ''(16 U.S.C. 1371(a)(5)) with respect to the applicable taking; and'';

(iii) in clause (iv), by striking ''clauses (ii) and (iii)'' and inserting ''subparagraphs (B) and (C)''; and

(iv) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(3) in subsection (e)—

(A) in paragraph (3)(D), by striking ''Agency. Agency.'' and inserting ''Agency.''; and

(B) in paragraph (4)(B), by adding a period at the end; and

(4) in subsection (f)(1), by inserting ''or a State that has assumed a responsibility of the Secretary pursuant to section 6A, as applicable'' after ''the Secretary''.

(c) TECHNICAL AMENDMENTS.—The table of contents of the Endangered Species Act of 1973 (16 U.S.C. 1531 note) is amended—

(1) by inserting after the item relating to section 6 the following:

''Sec. 6A. Assumption by States of certain responsibilities relating to highways.'';

and

(2) by adding at the end the following:

''Sec. 18. Annual cost analysis by the Fish and Wildlife Service.''.

By Mr. CORNYN (for himself, Mr. HATCH, and Mr. SULLIVAN):

S. 2588. A bill to amend title 54, United States Code, to establish a program to allow States to assume certain Federal responsibilities under that title with respect to agency actions applicable to highway projects within the States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2588

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

SECTION 1. ASSUMPTION BY STATES OF CERTAIN HISTORIC PRESERVATION RESPONSIBILITIES.

(a) IN GENERAL.—Subchapter I of chapter 3061 of title 54, United States Code, is amended by adding at the end the following:

''§ 306115. Assumption by States of certain responsibilities relating to highway projects

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The head of each agency (referred to in this section as the 'agency head') shall carry out an assignment program (referred to in this section as the 'program') to allow States that are eligible under subsection (b)(1) to assume certain responsibilities of the agency under section 306108 with respect to agency actions applicable to highway projects within the State.

''(2) ASSUMPTION OF RESPONSIBILITY.—

''(A) IN GENERAL.—Subject to the other requirements of this section, on written agreement of the agency head and a State (which may be in the form of a memorandum of understanding), the agency head may assign, and the State may assume, the responsibilities of the agency head under section 306108 with respect to the undertakings of the agency described in that section that are applicable to 1 or more highway projects in the State.

''(B) ADDITIONAL RESPONSIBILITY.—

''(i) IN GENERAL.—If a State assumes responsibility under subparagraph (A), subject to clause (ii), on the request of the State, the agency head may also assign to the State, and the State may assume, the responsibilities of the agency head described in that subparagraph for 1 or more railroad, public transportation, or multimodal projects within the State.

''(ii) EXCLUSION OF PROJECTS.—In any State that assumes a responsibility of the agency head under clause (i), a recipient of assistance under chapter 53 of title 49, may submit to the agency head a request that the agency head shall maintain the responsibility of the agency head with respect to 1 or more public transportation projects carried out by the recipient in the State.

''(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if the responsibility were carried out by the agency head.

''(D) FEDERAL RESPONSIBILITY.—Any responsibility of an agency head that is not explicitly assumed by a State by written agreement under this section shall remain the responsibility of the agency head.

''(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of the Secretary, the Council, or the applicable agency, except with respect to an authority delegated by the agency head pursuant to subparagraph (A) under applicable law regarding a project or agency action described in subparagraph (A) or (B).

''(F) PRESERVATION OF FLEXIBILITY.—The agency head may not require a State, as a condition of participation in the program, to forgo a project delivery method that is otherwise permissible for a project described in subparagraph (A) or (B).

''(G) LEGAL FEES.—A State that assumes a responsibility of an agency head under this section for a project described in subparagraph (A) or (B) may use funds apportioned to the State under section 104(b)(2) of title 23, as necessary, for attorneys' fees directly attributable to eligible activities associated with the project.

''(b) STATE PARTICIPATION.—

''(1) PARTICIPATING STATES.—To be eligible to participate in the program, a State shall—

''(A) be participating in the surface transportation project delivery program under section 327 of title 23; and

''(B) assume the responsibilities of the Secretary of Transportation under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) pursuant to that section.

''(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required in any application of a State to participate in the program, including, at a minimum—

''(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

''(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

''(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

''(3) PUBLIC NOTICE.—

''(A) IN GENERAL.—Each State that submits an application in accordance with the regulations described in paragraph (2) shall provide to the relevant agency head and publish notice of the intent of the State to participate in the program by not later than 30 days before the date of submission of the application.

''(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice requirements of the State.

''(4) SELECTION CRITERIA.—The agency head may approve the application of a State under this subsection only if—

''(A) any necessary changes to regulations pursuant to paragraph (2) have been carried out;

''(B) the agency head determines that the State has the capability, including financial and personnel, to assume the responsibility; and

''(C) the head of the State agency with primary jurisdiction over highway matters enters into a written agreement with the agency head, as described in subsection (c).

''(5) OTHER AGENCY VIEWS.—If a State applies to assume a responsibility of the agency head that would have required the agency head to consult with another agency, the agency head shall solicit the views of the other agency before approving the application of the State under this subsection.

''(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

''(1) be executed by—

''(A) the Governor of the applicable State; or

''(B) the top-ranking transportation official in the State who is charged with responsibility for highway construction;

''(2) be in such form as the agency head may require;

''(3) provide that the State—

''(A) agrees to assume all or part of the responsibilities of the agency head referred to in subsection (a);

''(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the agency head assumed by the State;

''(C) certifies that State laws (including regulations) are in effect that—

''(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

''(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is reviewable by a court of competent jurisdiction; and

''(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

''(4) require the State to provide to the agency head any information the agency head reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

''(5) have a term of not more than 5 years; and

''(6) be renewable.

''(d) JURISDICTION.—

''(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility assumed by the State pursuant to this section.

''(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the applicable agency head had the agency head taken the actions in question.

''(3) INTERVENTION.—The applicable agency head shall have the right to intervene in any action described in paragraph (1).

''(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (a)(2) shall be solely responsible and solely liable for carrying out, in lieu of, and without further approval of, the applicable agency head, those responsibilities, until the date on which the program is terminated in accordance with subsection (j).

''(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary or the applicable agency head under any Federal law.

''(g) AUDITS.—

''(1) IN GENERAL.—To ensure compliance by a State with an agreement of the State under subsection (c) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program, the applicable agency head shall—

''(A) not later than 180 days after the date of execution of the applicable agreement, meet with the State—

''(i) to review the implementation of the agreement; and

''(ii) to discuss plans for the first annual audit;

''(B) conduct annual audits during each of the first 4 years of State participation in the program; and

''(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

''(2) PUBLIC AVAILABILITY AND COMMENT.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

''(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the applicable agency head shall respond to public comments received under subparagraph (A).

''(3) AUDIT TEAM.—

''(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the applicable agency head, in consultation with the State, in accordance with subparagraph (B).

''(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review, and provide comments regarding, the proposed members of the audit team.

''(h) MONITORING.—After the end of the fourth year of the participation by a State in the program, the applicable agency head shall monitor compliance by the State with the written agreement under subsection (c), including the provision by the State of financial resources to carry out the written agreement.

''(i) REPORT TO CONGRESS.—The Secretary or the Council shall submit to Congress an annual report that describes the administration of the program during the preceding calendar year.

''(j) TERMINATION.—

''(1) TERMINATION BY AGENCY.—The applicable agency head may terminate the participation of a State in the program if—

''(A) the agency head determines that the State is not adequately carrying out the responsibilities assigned to the State pursuant to this section;

''(B) the agency head provides to the State—

''(i) a notification of the determination of noncompliance;

''(ii) a period of not less than 120 days to take such corrective action as the agency head determines to be necessary to comply with the applicable agreement; and

''(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

''(C) the State, after the notification and period for corrective action provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the agency head.

''(2) TERMINATION BY STATE.—The State may terminate the participation of the State in the program at any time by providing to the applicable agency head a notice, by not later than the date that is 90 days before the date of termination, subject to such terms and conditions as the agency head may provide.

''(k) CAPACITY BUILDING.—The Council, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

''(1) to assist States in developing the capacity to participate in the program; and

''(2) to promote information sharing and collaboration among States that are participating in the program.

''(l) RELATIONSHIP TO LOCALLY ADMINISTERED PROJECTS.—A State granted authority under this section may, as appropriate and on the request of a local government—

''(1) exercise that authority on behalf of the local government for a locally administered project; or

''(2) provide guidance and training regarding consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered project to comply with—

''(A) section 306108; and

''(B) any comparable requirements under State law.''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 3061 of title 54, United States Code, is amended by inserting after the item relating to section 306114 the following:

''306115. Assumption by States of certain responsibilities relating to highway projects.''.

AUTHORITY FOR COMMITTEES TO MEET

Ms. MURKOWSKI. Mr. President, I have 11 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BUDGET

The Committee on Budget is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 10:30 a m. to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 10 a.m. to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 10 a.m. to conduct a hearing on the following nominations Kirsten: Dawn Madison, of Florida, to be an Assistant Secretary (International Narcotics and Law Enforcement Affairs), and Thomas J. Hushek, of Wisconsin, to be Ambassador to the Republic of South Sudan, both of the Department of State.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2:30 p.m. to conduct a hearing on S. 1250 and S. 2515.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2:30 p.m. to conduct a hearing entitled ''The President's FY2019 Budget Request for Indian Programs.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 10 a.m. to conduct a hearing on the following nominations: Michael Y. Scudder, of Illinois, and Amy J. St. Eve, of Illinois, both to be a United States Circuit Judge for the Seventh Circuit, and Charles J. Williams, to be United States District Judge for the Northern District of Iowa.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2 p.m. to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 9:30 a.m. to conduct a hearing.

SUBCOMMITEE ON SEAPOWER

The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2:30 p.m. to conduct a hearing on the nomination of John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

SUBCOMMITEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2:30 p.m. to conduct a hearing on the nomination of John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority.

SUBCOMMITEE ON NEAR EAST, SOUTH ASIA, CENTRAL ASIA, AND COUNTERTERRORISM

The Subcommittee on Near East, South Asia, Central Asia, and Counterterrorism of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 21, 2018, at 2 p.m. to conduct a hearing entitled ''What's Next for Lebanon? Stability and Security Challenges''.

COMMEMORATING THE 150TH ANNIVERSARY OF THE UNIVERSITY OF CALIFORNIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 438 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 438) commemorating the 150th anniversary of the University of California.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 438) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 19, 2018, under ''Submitted Resolutions.'')

ORDERS FOR THURSDAY, MARCH 22, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., Thursday, March 22; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day. Finally, I ask that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators GRASSLEY, DURBIN, LEE, and SASSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

SIMPLE TRUTHS

Mr. SASSE. Mr. President, yesterday at the White House, two terrible things happened, and it shouldn't be difficult to condemn both of these things at once.

First, at the podium in the White House press room, it was suggested that the U.S. Government is unsure if Putin's reelection was perhaps legitimate, free, and fair or that perhaps the United States is morally indifferent to the question of whether Putin's reelection was fair, free, and legitimate.

It was not fair or free or legitimate, and it matters.

The second horrible thing that happened yesterday is that the President's confidential briefing materials for his call with Vladimir Putin were anonymously leaked to the public. That should not happen. The President's congratulatory call was terribly ill-advised, but that doesn't change the fact that the leaking of the confidential briefing materials for his call was also wrong.

It shouldn't be difficult to say both of these things. They are both true. So we should be able to say both of them at once.

Our people are very divided right now. They are unclear about who we are and how we conceive of ourselves on the global stage. Our tribalism has run amok. If you listen to some of our cable news today—I haven't—I suspect that what you would find is that on certain networks there is only discussion of the leaking and no discussion of what a terrible abandonment of American foreign policy yesterday's failure to condemn Putin's phony sham reelection was. And on the other networks, I imagine you are going to get exactly the opposite story, where the only thing that matters is how stupid this call was to Vladimir Putin, and nothing about the leaks. That isn't helpful for building a nation of 320 million people who know what we stand for together.

Here is what is true. A President's staff shouldn't leak. In cases of principle, you may need to resign. So resign. Do the right and honorable thing if you believe your conscience is compelled to do so, and resign your position and go out and publicly make a case for why a certain policy is failing. But that is a different thing than anonymously leaking the information that a President has—not just this President, but that any President has—to make his or her decisions, to deliberate with their staff, to plot their actions.

Leaks like this weaken us both at home, in terms of public trust in our institutions and our public servants, and they weaken us abroad, in terms of whether or not we have any coherence to who we are as a people and how we make our decisions.

Now, as to this decision to fail to condemn Putin's sham reelection, it is very foolhardy. Vladimir Putin is not a friend. Vladimir Putin is a despot. The President of the United States was wrong to congratulate him, and the White House Press Secretary was wrong to duck a simple question about whether or not Putin's reelection was free and fair.

It was not. The American people know that, the Russian people know that, and the world knows that. Yesterday, when the White House refused to speak directly and clearly about this matter, we were weakened as a nation, and a tyrant was strengthened.

Around the world, there are two great symbols of America from this city. The first is the dome of the Capitol, in which we stand. This building testifies to the strength of our self-government and to our belief in inherent human dignity, but the other symbol that comes from this city that is known around the world is the podium in the White House press room. Tucked into a small room and surrounded by members of a free press, it is simply the free world's biggest megaphone. It symbolizes Americans commitment to the universal dignity not just of 320 million people—the citizens of this country—but to 7.6 billion men, women, and children across the globe.

Speaking clearly about tyrants is one of the things that we do. It is not seeking monsters to destroy. For more than 200 years, the American people have clearly understood this. For more than 200 years, administrations of both parties have clearly understood this.

At times in the past, previous administrations have made mistakes. They have split hairs. They have smoothed edges. They have dodged. They have hedged. But what happened yesterday at the podium at the White House—the dodge on Putin—broke with the basic

American moral tradition. It broke faith with our core values, and it broke trust with freedom seekers across the globe.

This very day there are dissidents all over the globe struggling against totalitarian regimes in darkness. To them, America has always said and America still says: We see you. We stand with you. We may make long and deliberate decisions about how we engage in the world and about what particular commitments are prudent to exercise at different times with different allies, but we have always spoken unequivocally about the universal dignity of 7.6 billion people. To those who struggle, we have always said: We see you, and we stand with you.

These simple truths matter. The moral responsibilities of the Office of the Presidency matter. When we don't affirm these basic truths, it is a failure to who we are, and it is a failure to do what we do. It is a betrayal not just to the millions of people who were denied free and fair elections in Russia this week, but it is a failure to people all across the globe who are struggling in darkness against tyrants.

Each and every Member of this Senate—all 100 of us—was elected in the kind of free and fair election that Vladimir Putin fears—the kind of election that he would not win. Vladimir Putin is a coward. Vladimir Putin is a despot.

Just this month, Vladimir Putin tried to assassinate a political dissident and his daughter on NATO soil in the UK. Given that we have taken an oath in this body, after our free and fair elections, to uphold and defend the Constitution—given that—we ought not, in this body, find it difficult to say basic true things, like that we condemn leaks by the President's staff against him. We also condemn Vladimir Putin's sham election. We condemn a Russian despot who aims to make Soviet tyranny great again.

I yield back.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized.

TRIBUTE TO THAD COCHRAN

Mr. DURBIN. Mr. President, back in 1985, I was a second-term Member of the House of Representatives and a member, I was proud to say, of the House Appropriations Committee. The Committee chairman was a man by the name of Jamie Whitten. He was from the State of Mississippi. He was a Mississippi Democrat. Yes, there used to be Mississippi Democrats.

Jamie Whitten had been a witness to a great deal of American history. He was on the floor of the House as a newly minted Congressman from Mississippi on December 8, 1941, when Franklin Roosevelt delivered his ''Day of Infamy'' speech.

There I was speaking to this same man 44 years later, and I was a junior member of his Appropriations Committee. I knew that Appropriations, under the House rules, had several members who were also represented on the Budget Committee. So one day I went to Chairman Whitten from Mississippi and suggested to him that I wanted to be on the Budget Committee in the slot reserved for Appropriations members. Chairman Whitten looked down at me and he asked: Why do you want to be on the Budget Committee?

I said: I think it is good because the Budget Committee makes the spending decisions and blueprints that Appropriations and other committees follow.

He kind of sat back in his chair and Chairman Whitten said to me: Well, if you want to be on that committee, you can be on that committee, but I want you to remember one thing, the Budget Committee deals in hallucinations and the Appropriations Committee deals in facts.

I will never forget that exchange. I served on the Budget Committee and again in the Senate on the same Budget Committee, and I have come to believe that Chairman Whitten was not that wrong in his conclusion. I call that ''Whitten's Law.'' It remains one of the most important lessons I have learned about the Federal budget.

I have learned other lessons from Mississippi politicians, and one of them is a man by the name of THAD COCHRAN, my colleague from the State of Mississippi and one of my friends who cochairs the Defense Appropriations Subcommittee with me. I shouldn't say cochairs; I am the ranking member on that committee and he, of course, is the chairman. THAD COCHRAN taught me and others many important lessons about the Federal budget and about public service in general.

THAD COCHRAN is a man of humility and integrity, and he is a man of his word. He is a conservative Republican who values principle and cooperation over pointless confrontation. He prefers common ground to scorched Earth because he knows it is better to build on.

Senator COCHRAN and I have served together in the Senate for more than two decades. For much of that time, we have both been on the Senate Appropriations Committee. He has been the committee's ranking member and chairman twice. In all of those years, I can only think of a time or two when he and I disagreed so completely on an issue that we found ourselves unable to find that principled compromise. Some may call that ''old school.'' I call it leadership in a representative democracy.

As a member and two-time chairman of the Senate Appropriations Committee, Senator COCHRAN's skill as a negotiator has served Mississippi and the United States exceedingly well. He has helped keep his State and our Nation strong and safe and economically sound.

In a time that increasingly prizes the quick profits and short-term vision, THAD COCHRAN has helped to protect and increase America's investments in scientific, technological, and medical research. That is a proud part of the legacy he leaves.

His voice is common and quiet, but don't be fooled. When it comes to protecting the interests of his State or this Nation, he is tenacious.

That was never more apparent than in the weeks and months after Hurricane Katrina pummeled the Mississippi gulf coast and other States in 2005. Senator COCHRAN helped secure appropriations that enabled thousands of homeowners in Mississippi to rebuild after their insurance companies turned them down.

As the former chairman and now ranking member of the Appropriations Committee Defense Subcommittee, I worked closely with Chairman COCHRAN to protect critical national security priorities in my State of Illinois, and he has worked hard for his State.

Behind every Senator, of course, there are hard-working staff members without whom we could not do our jobs. Senator COCHRAN's personal staff and his committee staff are first-rate public servants. I want to thank them too. They have been part of a winning team with Senator COCHRAN. Their hard work and loyalty on his behalf and on behalf of the Senate has served this Nation well.

I wasn't surprised the other day when I learned that Senator COCHRAN had been an Eagle Scout. I was surprised to learn, however, that he once failed in pursuit of a Boy Scout merit badge as a young man. He learned a lesson from that experience that he said has stayed with him all his life: Always be prepared.

THAD COCHRAN's adherence to that lesson, his remarkable skill as a negotiator, and his deep integrity and honesty are qualities we could all do well to emulate.

I thank Senator THAD COCHRAN and wish him all the best as he departs the Senate, and I thank him for his great service to Mississippi and to America.

REMEMBERING LOUISE SLAUGHTER

Mr. DURBIN. Mr. President, last week Congresswoman LOUISE SLAUGHTER of New York passed away after representing the Rochester area of that State for more than three decades. She was tough, unfailingly gracious, and wonderfully effective in helping people throughout her life.

LOUISE carried titles you don't see often around here. She was the Congress's only microbiologist. She was also a blues and jazz singer as well. She was a fighter, first and foremost, earning the respect of her colleagues and even those who disagreed with her. I have counted her as a friend and an ally in many causes.

She hailed from Harlan, KY, the daughter of a blacksmith in a coal

mine. LOUISE can trace her lineage to the legendary Daniel Boone, and you can hear it in her voice.

She went to college and graduate school at the University of Kentucky to study microbiology and public health to honor her sister who passed away due to pneumonia at a young age.

She went on to serve in both the Monroe County legislature and the New York State Assembly before joining Congress in 1986 to represent the Rochester New York area, which includes the area around the historic Seneca Falls Convention.

She was one of only 29 women in Congress when she first arrived and quickly became a champion and a trailblazer for the American worker and the American women.

LOUISE coauthored the landmark Violence Against Women's Act in 1994, curbing domestic violence and aiding its victims.

She also helped shepherd the Affordable Care Act through Congress as the very first woman to chair the House of Representatives Rules Committee.

LOUISE's storied career has included defending her constituents against Big Business and bringing national attention to pressing medical issues. She introduced the first legislation barring genetic discrimination in 1995. It finally became law in 2008.

She introduced a bill every Congress to fight drug-resistant bacteria.

In 2015, President Obama incorporated parts of LOUISE SLAUGHTER's plan to identify superbugs and increased funding for new antibiotics and vaccines into the administration's initiative to encourage the responsible use of antibiotics in livestock.

LOUISE also introduced the first bill to ban insider training by Members of Congress.

She did all of this, and some of it controversial, and still won the respect of her colleagues.

I worked with her on many projects, from the Bicameral High-Speed and Intercity Passenger Rail Caucus, to demanding the Supreme Court adopt an ethics code.

It was not a coincidence that on the day when news of her passing broke, the words ''nicest'' and ''Rochester'' were trending on Twitter in Washington, DC.

Through all of her hard work, she was smart and kind and always funny. She will be missed by her colleagues and friends and family, including her three daughters, Megan, Amy, and Emily Robin; seven grandchildren, Lauren, Daniel, Emma, Jackson, Mason, Linus, and Ione; and one great-grandchild, Henry.

LOUISE was a great Congresswoman. I am going to miss her as a colleague and a friend.

DACA

Mr. DURBIN. Mr. President, this crisis we face in this country involving DACA is a crisis that was created when President Trump announced the end of the program on September 5 of last year and gave us a deadline of March 5 of this year to come up with an alternative. Many of us, including the Presiding Officer, battled mightily to do that—a bipartisan effort with compromise on both sides—but we never could come up with a proposal the President accepted. As a consequence, the destiny of the DACA recipients is uncertain.

They are now temporarily protected by an injunction from two different Federal lawsuits—an injunction which could end in a matter of weeks or months. In the meantime, their status is so uncertain that it is difficult for them to make plans for their lives. That is where we are today.

DACA has been a huge success. It is a program designed to give those who were brought here as children, toddlers, and infants an opportunity to become part of America—a legal part of America—and an opportunity to one day become citizens.

DACA was an Executive order of President Obama's which President Trump has now abolished. There is no protection, other than the court injunction for those who are facing the end of DACA.

Yesterday, I convened a meeting with some of my Senate colleagues with the Secretary of Homeland Security, Kirstjen Nielsen. Here is what we learned: As of yesterday, more than 35,000 DACA renewal applications are pending because of these court orders. Of these pending renewal applications, 10,000 were from recipients whose DACA protection had already expired. Tens of thousands more Dreamers have DACA protection due to expire soon. Around 13,000 DACA permits could expire in March, another 5,300 in April, and nearly 14,000 more in May.

Understand what happens: When a person is protected by DACA and loses that protection, technically, they can be deported. In addition, they cannot legally continue to work in the United States.

There is some good news, though. Secretary Nielsen promised me that the Department of Homeland Security will not deport any DACA recipient with a pending DACA application, even if their DACA status has expired. I thank her for that commitment, and I intend to hold her to that commitment. Many lives are at stake.

However, for DACA recipients whose status has expired, that same Department will not authorize them to work unless and until DACA is renewed, so there can be a gap in their employment. Understand that the people we are talking about are not folks, by and large, with part-time jobs. They are teachers. They are medical professionals. Some of them are serving in our military.

What we now know about the expiration of this work permit is that tens of thousands of DACA-eligible individuals could be forced to leave their jobs while their applications for renewal are pending and before those applications are approved.

Then consider the fate of Dreamers who are eligible for DACA but never reached the necessary age to attain that status. They can no longer apply for DACA because President Trump's decision prohibits them after September 5. If a child turns 15, the youngest age at which they can apply for DACA, they are now blocked from applying because of the President's decision.

The nonpartisan Migration Policy Institute estimates that in addition to 800,000 DACA recipients, there are an additional 1 million Dreamers eligible for DACA. Because of President Trump's decision to end DACA, 1.8 million Dreamers are at risk of deportation and cannot work to support themselves and contribute to the only country they know and the country they love.

President Trump called on Congress to legalize DACA, but he has, unfortunately, refused to accept six different bipartisan offers to achieve that. One of those offers also included $25 billion for his wall. Yet he wouldn't accept it.

Let me tell my colleagues the story of one of these young people, as I have done before. I have come to the floor of the Senate more than 110 times to tell these stories. I just think when you hear the stories of an individual, it helps us understand what the real issue is.

This is a photo of Irving Calderon. He is the 112th Dreamer I have talked about on the Senate floor. When he was 7 months old, Irving was brought to the United States from Mexico by his parents. He lived in California for 10 years and then moved to Texas where he currently lives. His childhood memories include Disneyland, going to the beach, and celebrating Christmas and the Fourth of July with his family.

Irving found out he was undocumented when he was 12 years old. At first he didn't believe it because he said there is nothing about him that wasn't American. Then, as he got older, he realized he couldn't get a driver's license, he couldn't work, he couldn't save money for college, but he didn't give up.

In high school, Irving maintained a 4.0 grade point average. He was a member of the Honor Society and the student council. He served as president of the school's chapter of the Future Business Leaders of America, played varsity basketball and tennis.

Because of his accomplishments, Irving was accepted into the University of Texas at Austin. In college, he served as director of the Hispanic Business Students Association, and under his leadership, the group adopted a street to clean. Irving organized events for underrepresented high school students and middle school students and volunteered at an orphanage every Thanksgiving.

He graduated from the University of Texas with a bachelor's degree in business administration. Thanks to DACA—created by President Obama and then eliminated by President Trump later—Irving was able to put his degree to work. For the last 3 years, he has worked as an information technology business analyst at General Motors. He creates software systems for one of the largest automakers in the United States.

He wrote me a letter, and here is what he said:

> I've always felt completely American. I've been here since I was 7 months old. It's the only place I know and the only place I've ever considered home. Being an American is not something that is just given to you; it's about the work you put in. . . . I feel that I have contributed to America.

I do too. It would be an American tragedy to deport someone like Irving, who has overcome so many obstacles and has so much to contribute to our country. People like Irving Calderon are the reason more than 400 business leaders signed a letter to Congress urging us to pass a bipartisan Dream Act. The letter and these business leaders say:

> Dreamers are vital to the future of our companies and our economy. With them, we grow and create jobs. They are part of why we will continue to have a global competitive advantage.

President Trump created this crisis, but instead of working toward a solution, he has sabotaged every effort we have tried to make on behalf of Dreamers. Now it is up to Republican leaders in Congress to take yes for an answer and accept any one of the six bipartisan solutions we put on the table to save these young people.

Congress should do our job and make the Dream Act the law of the land, or we will be responsible for forcing hundreds of thousands of talented young immigrants out of the workforce and putting them at risk of immediate deportation.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. LEE). The Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 5:01 p.m., adjourned until Thursday, March 22, 2018, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 21, 2018:

DEPARTMENT OF THE TREASURY

DAVID J. RYDER, OF NEW JERSEY, TO BE DIRECTOR OF THE MINT FOR A TERM OF FIVE YEARS.

FINANCIAL STABILITY OVERSIGHT COUNCIL

THOMAS E. WORKMAN, OF NEW YORK, TO BE A MEMBER OF THE FINANCIAL STABILITY OVERSIGHT COUNCIL FOR A TERM OF SIX YEARS.

EXTENSIONS OF REMARKS

OBSERVING EDUCATION AND SHARING DAY U.S.A. 2018

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. McCLINTOCK. Mr. Speaker, on March 27th, the United States will celebrate "Education and Sharing Day U.S.A." to recognize the importance of excellence in education.

Established in 1978 by a joint Congressional resolution, Education Day U.S.A. focuses on the very foundation of meaningful education: instructing our youth in the ways of morality and ethics, and teaching them an appreciation for divine inviolable values. These educational principles are vital to the success of our nation as they prepare our students for the responsibilities and opportunities of the future.

Education and Sharing Day U.S.A. is celebrated on the birthday of the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, who dedicated his life to the betterment of mankind. The Rebbe was a tireless advocate for youth around the world, emphasizing the importance of education and good character, and instilling hope for a brighter future into countless people in America and across the globe.

The Rebbe taught that education should not be limited to the acquisition of knowledge and preparation for a career; but should incorporate the building of character, with emphasis on moral and ethical values that have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws.

Education and Sharing Day U.S.A. is a recognition of the importance of well-rounded education, and the contributions of the Rebbe. I am proud to observe Education and Sharing Day U.S.A. 2018.

HONORING DR. THOMAS CORNWELL

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. ROSKAM. Mr. Speaker, I rise today to recognize Dr. Thomas Cornwell, Founder of HomeCare Physicians in Wheaton, Illinois and President of the American Academy of Home Care Medicine. For over 20 years, Dr. Cornwell has been a champion of homecare medicine by bringing primary care to seniors in the comfort of their own homes.

Since founding his homecare practice, HomeCare Physicians, in 1997, Dr. Cornwell has personally made over 32,000 house calls to more than 4,000 patients. His services ensure that his patients have convenient access to the care they need and save taxpayer dollars at the same time.

Due to the leadership of Dr. Cornwell and others like him the number of house-call visits by physicians is increasing. In 1996, the New England Journal of Medicine reported that physicians provided 984,000 house calls to Medicare beneficiaries annually. By 2005, the number more than doubled to 2 million house calls annually.

Roughly 20 years after Dr. Cornwell made his first house call, he received $15 million in private funding to, as he puts it, "spread this model of care." Cornwell is tasked with using the bulk of that money to teach others how to do what he does so well. He notes that educational programs about house call medicine are sprouting up at institutions such as Johns Hopkins School of Medicine in Baltimore and the University of Illinois College of Medicine in Chicago.

Mr. Speaker, and distinguished colleagues, please join me in recognizing and thanking Dr. Thomas Cornwell for his selfless service to the residents of DuPage County, Illinois and his contributions to seniors across the country.

AIR CARGO SECURITY IMPROVEMENT ACT OF 2018

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2018

Mr. McCAUL. Mr. Speaker, I include in the RECORD the following cost estimate for H.R. 4176, the Air Cargo Security Improvement Act of 2018, prepared by the Congressional Budget Office, which was not made available to the Committee at the time of filing of the legislative report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2018.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4176, the Air Cargo Security Improvement Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL, *Director*.

Enclosure.

H.R. 4176—AIR CARGO SECURITY IMPROVEMENT ACT OF 2018

As passed by the House of Representatives on March 19, 2018

SUMMARY

H.R. 4176 would require the Transportation Security Administration (TSA) to establish an Air Cargo Division to carry out activities related to ensuring that cargo transported aboard passenger aircraft does not pose a threat to aviation security. The act also would require TSA to study the feasibility of expanding the use of certain types of explosive-detection systems to screen air cargo and initiate a two-year pilot program to test such systems. H.R. 4176 also would require TSA and the Government Accountability Office to meet other administrative and reporting requirements related to air cargo security.

Using information from TSA, CBO estimates that implementing H.R. 4176 would cost $7 million over the 2019–2022 period; such spending would be subject to appropriation.

Enacting H.R. 4176 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4176 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4176 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary effect of H.R. 4176 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—					
	2018	2019	2020	2021	2022	2018–2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	1	3	3	0	7
Estimated Outlays	0	1	3	3	0	7

BASIS OF ESTIMATE

CBO assumes H.R. 4176 will be enacted near the start of fiscal year 2019 and that the necessary funds will be appropriated each year.

CBO estimates that implementing H.R. 4176 would cost $7 million over the next five years—primarily for TSA to initiate a two-year pilot program to test new and emerging technologies to screen air cargo. Using information from TSA about the cost of similar efforts, CBO estimates that the pilot program would begin late in 2019 and cost $6.5 million over a three-year period. Meeting other administrative and reporting requirements under the act would cost about $500,000, bringing total costs to $7 million over the 2019–2022 period.

PAY-AS-YOU-GO CONSIDERATIONS

None.

INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting H.R. 4176 would not increase net spending or on-budget

deficits in any of the four consecutive 10-year periods beginning in 2028.

MANDATES

H.R. 4176 contains no intergovernmental or private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY

Federal Costs: Megan Carroll; Mandates: Jon Sperl.

ESTIMATE APPROVED BY

H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

IN RECOGNITION OF CITY MANAGER W. BRIAN HIATT AND HIS SERVICE TO THE CITY OF CONCORD

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. HUDSON. Mr. Speaker, today I rise to honor Concord City Manager W. Brian Hiatt on nearly two decades of service to the City of Concord, North Carolina.

I've known Brian for many years, and throughout this time I have considered him a good friend. A lifelong North Carolina resident, Brian attended Appalachian State University for his Bachelor of Science in History and Government Service and went on to attend the University of North Carolina at Chapel Hill to receive his Master of Public Administration. After his education, Brian spent almost 20 years working for both Guilford County and the City of Hickory where he gained valuable experience that enabled him as City Manager to help shape the City of Concord into the wonderful place it is today.

Over the years, Brian has been very active in our community serving on the boards of Cabarrus Economic Development Corporation and the Water and Sewer Authority of Cabarrus County, NC League of Municipalities, Hospice of Cabarrus County and Cabarrus County United Way. He is a Past-President of the Concord Rotary Club, where he was named Rotarian of the Year in 2012, Lake Hickory Rotary Club and the North Carolina City, County Management Association and Academic Learning Center.

Residing in Concord, Brian is married to Julie, and they have two grown children, Andrew and Erin. I am extremely grateful for Brian's service to our community and I wish him continued success.

Mr. Speaker, please join me today in honoring my friend City Manager W. Brian Hiatt for his unwavering commitment to public service.

HONORING WASHINGTON ELEMENTARY SCHOOL IN ELGIN, ILLINOIS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. ROSKAM. Mr. Speaker, I rise today to celebrate the 125th anniversary of Washington Elementary School in Elgin, Illinois.

Since its founding in 1892, Washington Elementary School has overcome many challenges. When the school first opened its doors, they did not have access to running water or modern heating. Today, the school provides its students with a state-of-the-art computer lab, a lunchroom, and a modern gymnasium.

While the technological revolution has transformed the way Washington Elementary School educates its students, there is no more significant impact than a changing demographic. Today, the school celebrates a robust and diverse student body. According to Principal Lori Brandes, the school now offers more dual-language classes than general education classes. Washington Elementary School's ability to meet the needs of students makes it a staple of the Elgin community.

Mr. Speaker, and distinguished colleagues, please join me in celebrating the 125th anniversary of Washington Elementary School.

XUEDAN FILLMORE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Xuedan Fillmore for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Xuedan Fillmore is a student at Pomona High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Xuedan Fillmore is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Xuedan Fillmore for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

HONORING JIM FRAM

HON. BRUCE WESTERMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize the outstanding accomplishments of Jim Fram, who recently retired from his role as president and CEO of the Greater Hot Springs Chamber of Commerce and the Hot Springs Metro Partnership.

A dedicated professional, Jim brought more than 30 years of economic development experience with him to Hot Springs, having previously served in communities large and small from Lincoln, Nebraska, to Tulsa, Oklahoma. His expertise was vital as Hot Springs and Garland County looked to revitalize its downtown and expand its economic base.

Jim's support of businesses large and small has paid off. The Garland County economy has grown under his stewardship of the Chamber. I thank him for his dedication to my hometown and I wish him well in his next endeavor.

VEHICULAR TERRORISM PREVENTION ACT OF 2018

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2018

Mr. McCAUL. Mr. Speaker, I include in the RECORD the following cost estimate for H.R. 4227, the Vehicular Terrorism Prevention Act of 2018, prepared by the Congressional Budget Office, was not made available to the Committee at the time of filing of the legislative report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2018.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4227, the Vehicular Terrorism Prevention Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

KEITH HALL, *Director*.

Enclosure.

H.R. 4227—VEHICULAR TERRORISM PREVENTION ACT OF 2018

As reported by the House Committee on Homeland Security on March 19, 2018

H.R. 4227 would direct the Department of Homeland Security (DHS) to assess its current activities related to supporting emergency response providers and the private sector in preventing, mitigating, and responding to vehicular terrorism. Following that assessment, DHS would be required to develop and submit to the Congress a strategy to improve its efforts.

Using information from DHS on the effort required to complete the assessment and strategy, CBO estimates that implementing H.R. 4227 would have no significant effect on the federal budget.

Enacting H.R. 4227 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4227 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4227 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Robert Reese. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

SHILAH FORSYTHE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Shilah Forsythe for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Shilah Forsythe is a student at Two Roads Charter School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Shilah Forsythe is exemplary of the type of achievement

that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Shilah Forsythe for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

IN RECOGNITION OF MS. KRISTINA EMELIA NOELLE DUNKLIN

HON. DAVID G. VALADAO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. VALADAO. Mr. Speaker, I rise today to thank Kristina Emelia Noelle Dunklin for her service to my office and the 21st Congressional District of California over the past five years.

Ms. Dunklin was born in Fresno, California to parents Marianne and Jerome R. Dunklin, M.D. Growing up in the Central Valley with her brothers, Joseph and Jacob, Ms. Dunklin enjoyed being active and challenging herself academically as she played varsity soccer while attending San Joaquin Memorial High School in Fresno. Following her graduation in 2008, Kristina attended Santa Clara University where she was able to pursue her love for helping others and giving back to the community by joining Kappa Kappa Gamma Sorority and serving as the Philanthropy Chair of the Eta Nu Chapter. During her time at Santa Clara University, Kristina developed a strong interest in politics and gained firsthand experience of grassroots politics by volunteering on local campaigns. In March 2012, Ms. Dunklin graduated from Santa Clara with her Bachelor of Science Degree in Political Science.

Shortly after graduation, Kristina left California's Central Valley and moved to Washington, D.C. to follow her passion of politics. Ms. Dunklin began her political career by quickly securing an internship with her hometown Congressman, DEVIN G. NUNES. Kristina has been a member of my Congressional team since 2012, first serving as Legislative Correspondent and most recently, as Legislative Director. Her thoughtful approach to crafting public policy combined with her expansive legislative knowledge made Ms. Dunklin an invaluable member of my team and a true public servant to the people of California's Central Valley.

Outside of work, Kristina enjoys spending time with her family, cooking recipes she learned from her grandmother, and skiing.

This February, Ms. Dunklin's time in my office came to an end as she moved on to a new role focused on one of her many passions, healthcare policy, with Congresswoman SUSAN BROOKS of Indiana. While I am excited for Kristina to begin this new chapter, she will be greatly missed as a member of my team. Knowing Ms. Dunklin, her character and work ethic, I have no doubt she will achieve many great things in her future.

Mr. Speaker, I ask my colleagues in the United States House of Representatives to join me in commending Kristina Dunklin for her public service to the people of the Central Valley and wishing her the very best in this next chapter of her life.

RECOGNIZING THE LIFE OF THOMAS A. SPIESS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the life of Tom Spiess, of Fayette, Ohio. Tom passed from this life on Friday, March 16, 2018 and today his family, friends and community gather to celebrate his homegoing.

Tom Spiess was an outstanding community leader. His life's work was as an art teacher at Gorham Fayette Schools, where he founded the art club and the golf team. After thirty years as teacher and mentor, Tom retired from teaching in 2000. He then began a new career in "retirement" as the Village of Fayette Administrator, a position he held for six years. A local history buff, Tom also found time to host Civil War reenactments in his backyard.

All the while, Tom was involved in many civic activities. He served on the Ohio Arts Council; was a founding member and executive director of the Fayette Community Fine Arts Council; was integrally involved in the acquisition and restoration of the Fayette Opera House; served as chairman of Fulton County United Way; was president of the Gorham Fayette Teachers Association; president of the Fulton County Improvement Corporation; and was a member of the Fayette Chamber of Commerce. A true servant leader, Tom was an elder and board president at his Disciples of Christ Church, where he also taught Sunday school. Turning his grief into community help, Tom founded the Jon P. Spiess Memorial Golf Tournament in memory of his son.

Tom was feted by his community as Fayette Citizen of the Year. He also received a Defiance College Alumni Achievement Award. These recognitions by his community were most deserved and well earned.

Born to George and Marjorie Spiess in Wauseon, Ohio, Tom was a graduate of Delta High School. He went on to earn his undergraduate degree from Defiance College and his Master's degree from Sienna Heights College. Tom and his wife Cherrie were married on December 28, 1968 and together raised four children. In addition to their son, Jon, their children include Matthew, Mark and Elizabeth.

We offer our sincere condolences to his wife and children, grandchildren, brother, in-laws and friends. May they find some small comfort in their memories of this remarkable man and the gift of his life. Surely he will be greeted as in Matthew 25:23 "Well done, good and faithful servant."

Tom's generous, life giving spirit embraced his family, his community, and our nation. He was always building others. He cherished learning as fundamental to liberty and devoted himself to building an educated, engaged citizenry. His creativity and genius will continue to flower in all his good works. Truly, he has endowed a legacy to his family, community and country.

TIANA GALLATIN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tiana Gallatin for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Tiana Gallatin is a student at Pomona High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tiana Gallatin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tiana Gallatin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

STRENGTHENING AVIATION SECURITY ACT OF 2018

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2018

Mr. MCCAUL. Mr. Speaker, the following cost estimate for H.R. 4467, the Strengthening Aviation Security Act of 2018, prepared by the Congressional Budget Office, which was not made available to the Committee at the time of filing of the legislative report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2018.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4467, the Strengthening Aviation Security Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL, *Director*.

Enclosure.

H.R. 4467—STRENGTHENING AVIATION SECURITY ACT OF 2018

As reported by the House Committee Homeland Security on March 19, 2018

The Federal Air Marshal Service (FAMS), part of the Transportation Security Administration (TSA), promotes the safety of the U.S. aviation system, particularly by protecting airline passengers and crewmembers against the risk of criminal and terrorist violence. H.R. 4467 would require FAMS to use a risk-based strategy when allocating resources between international and domestic flights, and to report to the Congress on its compliance with that requirement.

Using information from TSA, CBO estimates that implementing H.R. 4467 would not significantly affect the federal budget. Because the bill's requirements are consistent with existing administrative policy,

CBO expects that any change in federal costs to meet them would be negligible. Such spending would be subject to appropriation.

Enacting H.R. 4467 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4467 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4467 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

IN HONOR OF THE TOWN OF RUSH, NEW YORK BICENTENNIAL ANNIVERSARY

HON. CHRIS COLLINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. COLLINS of New York. Mr. Speaker, I rise today to recognize the Town of Rush, New York for their Bicentennial Anniversary, which took place on March 13, 2018.

The Town of Rush is located in Monroe County near Rochester, New York, the third largest city in New York. Home to nearly 3,500 people, Rush, New York prides itself on its rich history, and suburban community feel.

As an Eagle Scout, I believe it is important to enjoy the outdoors, and preserve it for future generations to come. Rush, New York offers many opportunities to do just that, whether it be hiking on the Lehigh Valley Trail, or viewing native wildlife in Rush Oak Openings.

Rush is also home to the New York Museum of Transportation and Rochester and Genesee Valley Railroad Museum. Families and train enthusiasts from across the country can see everything from the largest collection of historic trains in New York State, to antique trolley cars.

I thank the Town of Rush for their commitment to preserving 200 years of history, and I congratulate them on their Bicentennial Anniversary.

KEEGAN GONSOIR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Keegan Gonsoir for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Keegan Gonsoir is a student at Two Roads Charter School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Keegan Gonsoir is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Keegan Gonsoir for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

HONORING PAMELA MAY LUND

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to honor the career of Pam Lund, Chief Executive Officer of the Girl Scouts of Eastern Washington and Northern Idaho Council. Pam is retiring at the end of April after 11 years of service to the Girl Scouts.

Pam's career has taken her in numerous directions including teaching, consulting and working for the Washington State Governor's office coordinating their work-force training programs. She used her experiences in these previous positions to grow the Girl Scouts Program in Eastern Washington and North Idaho. Today, the programs in this region have over 3,200 girls participating in these programs, aimed at building girls of courage, confidence, and character who make the world a better place.

During her tenure, she successfully merged two councils into the current council structure. She also nurtured the council through financial crisis to a position of financial health and strength. She was also responsible for garnering vital donor support to revitalize Camp Four Echoes, creating a hallmark property for the girls, the council, and the community to enjoy. She has attracted and developed a talented staff that is ready, willing, and able to elevate the Girl Scout mission and programs to the next level.

Pam describes her role with the Girl Scouts to be one of an encourager, a leader and a change agent. I appreciate her dedication and years of service to this organization and I know that her impact will be long felt among young women and troop leaders involved in Girl Scouts.

RHINA GUZMAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Rhina Guzman for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Rhina Guzman is a student at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rhina Guzman is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Rhina Guzman for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

SURFACE TRANSPORTATION SECURITY IMPROVEMENT ACT OF 2018

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2018

Mr. McCAUL. Mr. Speaker, I include in the RECORD the following cost estimate for H.R. 5131, the Surface Transportation Security Improvement Act of 2018, prepared by the Congressional Budget Office, which was not made available to the Committee at the time of filing of the legislative report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2018.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5131, the Surface Transportation Security Improvement Act of 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

H.R. 5131—SURFACE TRANSPORTATION SECURITY IMPROVEMENT ACT OF 2018

As reported by the House Committee Homeland Security on March 19, 2018

H.R. 5131 would require the Transportation Security Administration (TSA) to complete a variety of reports, analyses, and other administrative activities aimed at promoting the security of surface transportation systems. The bill also would require the Government Accountability Office (GAO) to review the status of certain existing efforts related to surface transportation security. Under current law, TSA oversees, regulates, and coordinates with operators of surface transportation systems to safeguard those systems.

CBO estimates that implelnenting H.R. 5131 would not significantly affect the federal budget. Some of the bill's provisions would require TSA to expand existing efforts, but using information from the agency, CBO expects that any increase in federal spending (including costs incurred by GAO) under the bill would total less than $500,000. Such spending would be subject to appropriation.

Enacting H.R. 5131 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5131 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 5131 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

TANIA HOLGUIN HERNANDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Tania Holguin Hernandez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Tania Holguin Hernandez is a student at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Tania Holguin Hernandez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Tania Holguin Hernandez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

HONORING JOSIE FERNANDEZ

HON. BRUCE WESTERMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. WESTERMAN. Mr. Speaker, I rise today to congratulate Hot Springs National Park Superintendent Josie Fernandez on a well-earned retirement.

A fixture in the Hot Springs community for more than a decade, Josie poured her heart and soul into her work as superintendent of one of America's oldest national parks. She led efforts to restore historic bathhouses along Central Avenue, bringing life to the core of Hot Springs National Park while raising needed revenue. Her work was both innovative and welcome by the community.

In addition to restoration efforts, Josie has joined with community leaders and groups to make Hot Springs National Park a true partner in the greater Hot Springs community.

When she retires, Josie will end more than a decade of service to the Hot Springs community and a quarter century of service to the Parks Service. Her service to our country extends beyond the Parks Service, having retired as a colonel in the Air Force Reserve.

I thank Josie for her dedication and wish her well as she begins her next journey.

YAMILE HERNANDEZ

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Yamile Hernandez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Yamile Hernandez is a student at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Yamile Hernandez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Yamile Hernandez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

RECOGNIZING THE LIFE OF FRANK J. PIASECKI, SR.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the life of Frank J. Piasecki, of Toledo, Ohio. Mr. Piasecki passed from this life at the age of 91 years on March 5, 2018. He was a lifelong neighbor and constructive force across our community.

Born to parents Casper and Emily, Frank graduated from Woodward High School. Following his graduation he was a proud member of the United States Marine Corps and served as a gunner during World War II. After the war, on September 14, 1946, Frank and his wife Donna were married and together raised four children. Frank and Donna shared their lives together for a remarkable 71 years.

Frank Piasecki loved to repair cars, and he opened Piasecki's Service Inc, which has become a fixture in the Reynolds Corners neighborhood. A compassionate businessman dedicated to his community, Frank also served on the Reynolds Corners Adams Township Fire Department for many years. The business remains an anchor in the neighborhood, even as the next generation continues to grow it. The family's honesty and integrity are well-known.

Even while operating a business and raising a family, Frank Piasecki was a motorcycle enthusiast and enjoyed shooting, leading to his lifelong membership in the NRA and the American Motorcycle Association. In fact, during his racing days he was the 1952 winner of the Jack Pine Enduro. Frank also was involved in the Adams Conservation Club, where he coached the Junior Program. A proud veteran, Frank was long a member of American Legion Post 553. An avid bowler, Frank finally bowled a perfect game at the age of 71.

Frank Piasecki leaves a legacy through his honorable service to our nation in the U.S. Marine Corps during World War II, his respected records in the highly competitive world of racing, his lifetime of community minded business practices in building forward the Reynolds Corners community, and his exemplary life as a husband, father, grandfather and great-grandfather. Truly, his lasting legacy is that of his family. He leaves to cherish his memory his wife and children, grandchildren and great-grandchildren, and many friends. We offer our sincere condolences, and hope they find comfort in the gift of Frank's life.

LAUREN LAWLESS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lauren Lawless for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Lauren Lawless is a student at Pomona High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Lauren Lawless is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Lauren Lawless for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

COST ESTIMATE ON H.R. 5081, THE SURFACE TRANSPORTATION SECURITY AND TECHNOLOGY ACCOUNTABILITY ACT OF 2018

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. MCCAUL. Mr. Speaker, I include in the RECORD the following cost estimate for H.R. 5081, the Surface Transportation Security and Technology Accountability Act of 2018, prepared by the Congressional Budget Office, which was not made available to the Committee at the time of filing of the legislative report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 2018.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5081, the Surface Transportation Security and Technology Accountability Act of 2018.

If you wish further detail on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL, *Director*

Enclosure.

H.R. 5081—SURFACE TRANSPORTATION SECURITY AND TECHNOLOGY ACCOUNTABILITY ACT OF 2018

As reported by the House Committee on Homeland Security on March 19, 2018

H.R. 5081 would direct the Administrator of the Transportation Security Administration (TSA) to establish a Surface Transportation Security Advisory Committee. The bill would specify details related to the composition and responsibilities of that committee, and it would require TSA to consult the committee when developing the agency's plan for making investments in security-related technology.

Using information from the agency about the costs of similar activities, CBO expects

that any increased costs to establish and support the proposed advisory committee would not exceed $500,000 annually. Such spending would be subject to appropriation.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 5081 would not increase net direct spending or on-budget deficit in any of the four consecutive 10-year periods beginning in 2028.

H.R. 5081 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2018: THE YEAR OF THE BLACK WOMAN

SPEECH OF

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 2018

Ms. FUDGE. Mr. Speaker, I rise to highlight the legacies of some Black history makers as a tribute to them during Women's History Month.

I speak of women who paved the way for other Black women and me to stand in the U.S. House of Representatives advocating for the benefit of our constituents. Women who stood their ground, fought for justice and broke through glass ceilings.

Black women like Ida B. Wells, who fought against lynching in the south during a time when remaining quiet would have been easy and a lot safer. Ida B. Wells saw what we called ''low hanging fruit'' and waged war against the murderous practice and the hooded cowards who hung those fruit. She gave new meaning to the phrase ''the pen is mightier than the sword.''

Women like Barbara Jordan—the Gentlewoman from Texas—who was the first Black woman to be elected to the Texas Senate (1966) and to later serve as State Senate President Pro Tem. She was also the first African American woman from the Deep South to be elected to the U.S. House of Representatives.

Like Ida B. Wells, Congresswoman Jordan saw injustice and took action. She helped create the first minimum wage bill in Texas, and the state's Fair Employment Practices Commission. As a member of the House Judiciary Committee during the Watergate hearings, Barbara Jordan showed the world her strength as a guiding figure on the committee despite being a freshman member. She stood her ground among her colleagues, strongly advocating for the sanctity of the Constitution and President Nixon's impeachment.

Another of my sheroes is Shirley Chisholm—unbought and unbossed. The first Black woman elected to the United States Congress (1968), Shirley represented Brooklyn, New York for seven terms and was a founder of the Congressional Black Caucus in 1969. She broke through the presidential candidates' glass ceiling in 1972 when she became the first African American to seek a major party nomination—the Democratic Party—for President of the United States.

Last, but not least, I salute my dear friend and predecessor Stephanie Tubbs Jones. A former Chief Prosecutor for Cuyahoga County, Tubbs Jones was the first African-American woman elected to the House of Representatives from the State of Ohio. As a Member of Congress, she fought tirelessly to expand health care coverage, support the re-entry of the formerly incarcerated into their communities and halt predatory lending practices.

These women have left indelible footprints in the history of America, and exemplify the determination and courage of black women. Notably, they shared another common bond through Delta Sigma Theta Sorority, Inc. They were trailblazers whose labor too often goes unmentioned, but this month WE CELEBRATE.

I thank Ida B. Wells, Barbara Jordan, Shirley Chisholm, and Stephanie Tubbs Jones for their contributions to our country, and for being inspiring examples for so many, not just Black women.

I see them. I salute them. I honor them.

SKYLAH MARROGUIN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Skylah Marroguin for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Skylah Marroguin is a student at Standley Lake High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Skylah Marroguin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Skylah Marroguin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

HONORING SERGEANT JACK COLEMAN COOK OF HOT SPRINGS, ARKANSAS

HON. BRUCE WESTERMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. WESTERMAN. Mr. Speaker, I rise today to recognize Sergeant Jack Coleman Cook of Hot Springs, Arkansas, for his heroic actions in World War II when he selflessly sacrificed his own life to save his fellow airmen.

Sergeant Cook was a ball turret gunner on a B–17 Flying Fortress, the ''Challenger,'' with the 384th Bomb Group. On February 3, 1945, the 384th Bomb Group participated in a mission to bomb the Tempelhof Railroad Marshalling Yards in Berlin. During the mission, the Challenger was hit by flak, damaging multiple engines, gas tanks, and the fuselage, but left the crew unharmed.

As they made their way back to base in England, their plane began losing altitude and crash landed in the frigid North Sea. As soon as the plane hit the water, the crew members proceeded to abandon the aircraft and pull out the two life rafts, but only one fully inflated. The pilot and radio operator swam for the partially inflated raft, but the pilot succumbed to the cold and passed away, and the radio operator was dragged into the sea where he was lost.

The rest of the crew swam for the closer, fully inflated raft. Sergeant Cook, the first to make it, helped four other crewmembers into the overcrowded raft, while two men stayed in the water. Edward Field, the navigator who stayed in the water, began to push their raft towards the second raft. After thirty minutes in the water, Edward Field became numb, and said that he could no longer hold on.

Jack Coleman Cook got into the water so Edward Field could take his spot in the raft, where he continuously swam for forty-five minutes until they reached the second raft. Shortly after, Air-Sea rescue reached their position, but Sergeant Cook had little life left in him, and he passed away on the boat.

Sergeant Cook selflessly sacrificed his own life so Edward Field and his fellow crewmembers could live. Those men returned to duty only four weeks after the crash, where they bravely fought through the rest of the war.

Jack Coleman Cook is a true American hero who showed bravery and courage in a time of great circumstance. He gave his life for his fellow man, and for this, we remember him over seventy years later. It is with great pride that I honor Jack Coleman Cook.

SYDNEY MORRIS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Sydney Morris for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award.

Sydney Morris is a student at Standley Lake High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sydney Morris is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Sydney Morris for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all of her future accomplishments.

TRIBUTE TO THE LIFE AND LEGACY OF MALLIEVE LENORA WICKER BREEDING

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Ms. SEWELL of Alabama. Mr. Speaker, I rise today to honor the extraordinary life and

legacy of the late Mallieve Lenora Wicker Breeding. Breeding was a beloved member of the Selma community, investing hours in the city's school system and the development of her community.

Breeding was born to Mr. and Mrs. Charles Albert Wicker, on August 29, 1921, as one of three children. Breeding grew up understanding the importance of a good education. Her parents often stressed that a quality education was the key to improving one's lot in life.

As a proud graduate of Tremont High School in Selma, Breeding took her parents' advice to heart, and matriculated at Huntingdon College, in Montgomery, AL. It was during this time when Breeding met and married the love of her life, USAF Lieutenant Colonel Charles Norton Breeding. Lt. Col. Breeding was an instructor at the Maxwell Air Force Base and the two met while Breeding was serving as a hostess on behalf of Huntingdon College.

Breeding said it was commitment, trust, communication and lots of love that kept their bond alive. The Breeding's marriage produced three beautiful children and lasted 54 years, until the death of Lt. Col. Breeding. Breeding loved being a mother, and she considered her children Charles, Beverly and Nancy to be her life's greatest achievement.

Outside of her duties as wife and mother, Breeding loved to volunteer in the community. Lovingly known as Selma's ''Madam Butterfly,'' Breeding received state and national awards for her volunteer service efforts in the public school system. She was involved in the development of butterfly gardens and was responsible for Selma being declared the Butterfly Capital of Alabama.

In 1968, she was the winner of Auburn University's W. Mosely Kelly Environmental Award for achievements in forestry, wildlife and related resources. She was a charter member of the ''Tale Telling,'' was a member of the Benjamin Sterling Turner Memorial Committee and organized the Bicentennial Tree Program, which became the Selma Beautification Council.

Breeding was a member of Cornerstone Presbyterian Church. She used her faith as a driving force for her volunteer work. Breeding believed the Lord had given everyone specific gifts in order to help their communities.

In her passing, Breeding leaves behind her daughters, Beverly (George) Perkins of Sylacauga and Nancy (Hartley) Smith of Selma; grandchildren, Tom (Terri) Perkins of Nolensville, Tennessee, Dena Perkins (Brett), Adair of Mountain Brook, Alabama, David Perkins of Birmingham, Alabama, Rachel Smith (Brent) Evans of Middletown, Delaware, Christopher A. Smith of Springs Grove, Illinois and Cindy Breeding (Lee) Holmes of Dothan, Alabama, and 12 great-grandchildren.

On behalf of the 7th Congressional District, the State of Alabama, and this nation, I ask my colleagues to join me in celebrating the life of Mallieve Lenora Wicker Breeding. We pay tribute to her distinguished contributions for the betterment of the State of Alabama, and extend deep appreciation for her exemplary service to the community of Selma, Alabama.

RECOGNIZING THE 25TH ANNIVERSARY OF FIRST BAPTIST CHRISTIAN ACADEMY

HON. BRIAN BABIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. BABIN. Mr. Speaker, I rise today to recognize First Baptist Christian Academy (FBCA) of Pasadena, Texas on its 25th anniversary.

Through the vision of Dr. Charles Redmond and the members of First Baptist Church, FBCA opened its doors to 45 Pre-K through second grade students and five teachers in August of 1993. FBCA's first graduating class received its diplomas in May of 2003. Currently, FBCA hosts 600 students and offers a variety of award-winning extracurricular activities including academics, athletics, and fine arts. FBCA's dedication to its students is exemplified by a 99 percent graduation rate for all senior classes with approximately 97 percent of all graduates attending a college or university upon graduation.

I commend the students, families, faculty, staff, and First Baptist Church for keeping God at the center of FBCA's beliefs, values, and teachings. An ''unapologetically Christian'' and ''academically excellent'' education creates a foundation that is crucial, as FBCA students go out to make a difference in the world. FBCA is educating our future doctors, lawyers, legislators, factory workers, and educators, among other professions. If there is one thing the world could use more of, it is young Christian men and women who are engaged in serving and leading their communities.

25 years is quite an accomplishment and as someone who helped establish a Christian school in my hometown, I know it takes dedication from those behind the scenes. I commend the parents of FBCA students for the sacrifices they make to ensure their children receive a quality Christian education. To the faculty and staff, I commend you for imparting Christian wisdom and serving as a role model to your students.

Mr. Speaker, it is my distinct honor to recognize First Baptist Christian Academy on this important anniversary. May God continue to bless and grow FBCA and the community it serves.

RECOGNIZING THE VITAL IMPACT OF OUTDOOR RECREATION

HON. DENNIS A. ROSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. ROSS. Mr. Speaker, I rise today to recognize the vital impact of outdoor recreation on our economy and livelihood. Outdoor recreation and camping in the United States contribute significantly to our gross domestic product and Americans' physical and mental health. The great outdoors connect Americans to their natural heritage and bring families closer together. Significantly, outdoor recreation is the number one driver of economic activity on federal lands and contributes $673,000,000,000 to the U.S. economy, and supports 4,300,000 American jobs. Every dollar Congress invests in the National Park Service effectively returns $10 to the United States economy.

Our national parks, national forests, and public lands and waters conserve natural resources, inspire young people, offer unique moments for all to enjoy, and encourage conservation of our shared environment. Unfortunately, many public campgrounds on our public lands and waters today face backlogged maintenance, deteriorating infrastructure, and struggle to meet the needs of modern day visitors. The American-made recreation vehicle (RV) industry is a domestic job-creating and thriving industry that contributes over $50,000,000,000 to the United States economy and supports over 300,000 American jobs. We must improve and modernize our national parks, national forests, and public lands and waters to adequately facilitate outdoor enthusiast and RV visitors.

As a Co-Chair of the RV Caucus and an outdoor enthusiast, today I proudly introduced a House Resolution expressing the sense of the House of Representatives that the national parks, national forests, and public lands and waters of the United States contribute greatly to the economic and physical well-being of Americans and can be further improved by public-private partnerships. I am committed to working on innovative solutions and partnerships to modernize and expand campgrounds, address infrastructure needs, eliminate backlogged maintenance, and provide safe camping opportunities and enjoyable recreational experiences for all visitors on federal lands for generations to come.

I urge my colleagues to support this resolution.

IN RECOGNITION OF CHIEF OF POLICE WILLIAM ''TOM'' TACKETT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. BURGESS. Mr. Speaker, I rise today to recognize the exemplary work of William ''Tom'' Tackett as he retires as Chief of Police for the Town of Argyle, TX on March 22, 2018. He has over 25 years of service at the Argyle Police Department and previously served his country in the U.S. Army as a Military Police Officer.

After his military service, Chief Tackett graduated from the Tarrant County College Police Academy and joined the Argyle Police Department in April 1992 as a part-time reserve police officer. He transitioned to a full-time police officer in March 1995 and rose through the ranks to become Chief of Police in April 2000. Not only is Chief Tackett the most tenured Chief to lead the Argyle Police Department, he is the longest tenured employee to serve the Town in its 55 year history. He is a licensed Master Peace Officer and holds Texas Commission on Law enforcement certifications for Instructor, Forensic Hypnosis and Special Investigator.

Chief Tackett also serves as the Town's Emergency Management Coordinator and is an amateur radio operator and active in the Denton County Amateur Radio Club. In addition to his professional work, he is a Master Mason, serving as past Master of Roanoke

Lodge 668, and he is a life member of the Moslah Shrine Circus and Legion Corps.

For more than two and a half decades, Chief Tackett has faithfully served and protected the citizens and businesses of Argyle, while holding himself and his staff to high ethical and professional standards as he has capably led the Police Department. I am deeply grateful for his service to the City of Argyle and North Texas and extend best wishes to Chief Tackett and his family upon his retirement.

HONORING CHIEF CARL SFERRAZZA FOR 38 YEARS OF SERVICE TO THE ENFIELD COMMUNITY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2018

Mr. COURTNEY. Mr. Speaker, I rise today to recognize a good friend and great public servant from North Central Connecticut, Police Chief Carl Sferrazza, who is retiring after a distinguished 38-year career with the Enfield Police Department.

An Enfield resident all his life, Carl's journey with the Enfield police department began in 1976 as an auxiliary police officer. Four years later, he was hired by the department to be a full-time member of the force. Carl started as a patrolman who experienced the nitty-gritty of police work, responding to emergency calls, enforcing motor vehicle laws, and acting as a mediator in the neighborhoods, keeping the peace. Sometimes he had to go above and beyond normal duty, earning himself three citations for heroism, one of which came after rescuing a father and his children from a house fire.

Over the years, Carl's talented work was recognized and he rose through the ranks, and eventually was promoted to Police Chief in 2005. Under his guidance and strong leadership, the police department received national accreditation by the Commission on Accreditation for Law Enforcement Agencies and joined regional public safety teams like Capitol Region Emergency Services Team and the Metro Traffic Services. These improvements are a direct reflection of Chief Sferrazza's leadership style. He sees Enfield as not just a place to go to work, but as his house, and its residents as his family. He has also implemented multiple programs such as the Citizens Police Academy and the annual awards night, strengthening the relationship between law enforcement and residents.

Chief Sferrazza's leadership does not end with the Enfield Police Department. He is the president of the Mt. Carmel Society and teaches criminal justice at his alma mater, Asnuntuck Community College. He is a devoted husband to Donnalee and father to Alex and Audra.

Mr. Speaker, Chief Carl Sferrazza has left a legacy of ''people-first'' leadership in his time at the Enfield Police Department. His footprint is large and wide on the town and will live on forever. I ask my colleagues to please rise to thank him for his decades of dedication to the people of Enfield. He has been a great example of civic responsibility to his neighbors and I know he will continue this example, even in his retirement. I wish him all the best in this next chapter.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 22, 2018 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 23

10 a.m.

Committee on Foreign Relations

To hold hearings to examine the nominations of Kirsten Dawn Madison, of Florida, to be an Assistant Secretary (International Narcotics and Law Enforcement Affairs), and Thomas J. Hushek, of Wisconsin, to be Ambassador to the Republic of South Sudan, both of the Department of State.

SD–419

Daily Digest

HIGHLIGHTS

Senate passed H.R. 1865, Allow States and Victims to Fight Online Sex Trafficking Act.

Senate

Chamber Action

Routine Proceedings, pages S1849–S1883

Measures Introduced: Eight bills were introduced, as follows: S. 2581–2588. **Page S1875**

Measures Reported:

S. 2213, to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II. (S. Rept. No. 115–215)

H.R. 4300, to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II. (S. Rept. No. 115–216)

S. Res. 224, recognizing the 5th anniversary of the death of Oswaldo Paya Sardinas, and commemorating his legacy and commitment to democratic values and principles, with an amendment in the nature of a substitute and with an amended preamble.

S. Res. 376, urging the Governments of Burma and Bangladesh to ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military, with an amendment in the nature of a substitute and with an amended preamble. **Pages S1874–75**

Measures Passed:

Allow States and Victims to Fight Online Sex Trafficking Act: By 97 yeas to 2 nays (Vote No. 60), Senate passed H.R. 1865, to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, after taking action on the following amendments proposed thereto: **Pages S1849–72**

Withdrawn:

Wyden Amendment No. 2212, to clarify that efforts of a provider or user of an interactive computer service to identify, restrict access to, or remove objectionable material shall not be considered in determining the criminal or civil liability of the provider or user for other material. **Pages S1865–70, S1871**

During consideration of this measure today, Senate also took the following action:

By 21 yeas to 78 nays (Vote No. 59), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974 and applicable budget resolutions, with respect to Wyden Amendment No. 2213, to provide additional funding to the Department of Justice to combat the online facilitation of sex trafficking. Subsequently, the point of order that the amendment violates the Senate PAYGO Rule was sustained, and the amendment thus fell. **Pages S1865, S1870–71**

University of California 150th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 438, commemorating the 150th anniversary of the University of California, and the resolution was then agreed to. **Page S1880**

Nominations Confirmed: Senate confirmed the following nominations:

David J. Ryder, of New Jersey, to be Director of the Mint for a term of five years.

Thomas E. Workman, of New York, to be a Member of the Financial Stability Oversight Council for a term of six years. **Pages S1872, S1883**

Messages from the House: **Page S1874**

Measures Referred: **Page S1874**

Additional Cosponsors: **Page S1875**

Statements on Introduced Bills/Resolutions: **Pages S1876–79**

Additional Statements: Page S1874

Authorities for Committees to Meet: Pages S1879–80

Record Votes: Two record votes were taken today. (Total—60) Pages S1871–72

Adjournment: Senate convened at 11 a.m. and adjourned at 5:01 p.m., until 10:30 a.m. on Thursday, March 22, 2018. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1880.)

Committee Meetings

(Committees not listed did not meet)

ECONOMIC REPORT OF THE PRESIDENT

Committee on the Budget: Committee concluded a hearing to examine the Economic Report of the President, after receiving testimony from Kevin Hassett, Chairman, Council of Economic Advisers.

NUCLEAR REGULATORY COMMISSION OVERSIGHT

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the Nuclear Regulatory Commission, after receiving testimony from Kristine L. Svinicki, Chairman, and Jeff Baran, and Stephen Burns, both a Commissioner, all of the Nuclear Regulatory Commission.

LEBANON

Committee on Foreign Relations: Subcommittee on Near East, South Asia, Central Asia, and Counterterrorism concluded a hearing to examine stability and security challenges in Lebanon, after receiving testimony from Elliott Abrams, Council on Foreign Relations, and Robert Malley, International Crisis Group, both of Washington, D.C.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Michael Y. Scudder, of Illinois, and Amy J. St. Eve, of Illinois, both to be a United States Circuit Judge for the Seventh Circuit, who were introduced by Senator Duckworth, and Charles J. Williams, to be United States District Judge for the Northern District of Iowa, who was introduced by Senator Ernst, after the nominees testified and answered questions in their own behalf.

VETERANS' PROGRAMS BUDGET

Committee on Veterans' Affairs: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2019 for veterans' programs and fiscal year 2020 advance appropriations requests, after receiving testimony from David J. Shulkin, Secretary of Veterans Affairs.

ELECTION SECURITY

Select Committee on Intelligence: Committee concluded a hearing to examine election security, after receiving testimony from Kirstjen Nielsen, Secretary, and Jeanette Manfra, Assistant Secretary, National Protection and Programs Directorate, Office of Cyber Security and Communications, both of the Department of Homeland Security; Thomas Hicks, Chairman, Election Assistance Commission; Jim Condos, Vermont Secretary of State, Burlington, on behalf of the National Association of Secretaries of State; Jeh Charles Johnson, former Secretary of Homeland Security, and Amy Cohen, National Association of State Election Directors, both of Washington, D.C.; and Eric Rosenbach, Harvard Kennedy School Belfer Center for Science and International Affairs, Cambridge, Massachusetts.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 5357–5378; and 3 resolutions, H. Res. 793–795 were introduced. Pages H1753–54

Additional Cosponsors: Pages H1755–56

Reports Filed: Reports were filed today as follows:

H. Res. 796, providing for the consideration of the Senate amendment to the bill (H.R. 1625) to amend the State Department Basic Authorities Act of 1956 to include severe forms of trafficking in persons within the definition of transnational organized crime for purposes of the rewards program of the Department of State and for other purposes; and providing for proceedings during the period from March 23, 2018 through April 9, 2018, (H. Rept. 115–614). Page H1753

Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today. Page H1731

Recess: The House recessed at 10:38 a.m. and reconvened at 11 a.m. **Page H1735**

Chaplain: The prayer was offered by the Guest Chaplain, Minister Jeremiah Tatum, Willow Avenue Church of Christ, Cookeville, Tennessee. **Page H1735**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 216 ayes to 192 noes with 2 voting present, Roll No. 122.

Pages H1735, H1750–51

Message From the Clerk: The House received a message from the Clerk. Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk notified the House that she received a sealed envelope from the White House on March 20, 2018, at 4:49 p.m., and said to contain a message from the President whereby he submits a Report to the Congress on the Extension of Trade Promotion Authority. **Page H1737**

Presidential Message: Read a message from the President wherein he transmitted to Congress a Report on the Extension of Trade Promotion Authority—referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 115–104).

Pages H1737–38

Message From the Clerk: The House received a message from the Clerk. Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 21, 2018, at 8:52 a.m.: that the Senate passed S. 899. **Page H1738**

Discharge Petition: Representative Cohen (TN) presented to the clerk a motion to discharge the Committee on the Judiciary from the consideration of H.R. 4669 to ensure independent investigations by allowing judicial review of the removal of a special counsel. (Discharge Petition No. 8)

Recess: The House recessed at 11:21 a.m. and reconvened at 1 p.m. **Page H1738**

Recess: The House recessed at 2:08 p.m. and reconvened at 9:15 p.m. **Page H1748**

Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018: The House passed H.R. 5247, to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, by a recorded vote of 267 ayes to 149 noes, Roll No. 121.

Pages H1738–48, H1748–50

Rejected the Pallone motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 182 yeas to 233 nays, Roll No. 120.

Pages H1746–48, H1748–49

H. Res. 787, the rule providing for the consideration of the bills (H.R. 4566), and (H.R. 5247) was agreed to Tuesday, March 19th.

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appears on pages H1737, H1738, and H1748.

Message From the Clerk: The House received a message from the Clerk. Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 21, 2018, at 5:15 p.m.: that the Senate passed without amendment H.R. 1865.

Page H1748

Order of Business—Suspensions: Agreed by unanimous consent that further proceedings on the questions of agreeing to motions to suspend the rules with regard to H.R. 4227, H.R. 4467, H.R. 5089, H.R. 5131, may continue to be postponed through the legislative day of Thursday, March 22, 2018.

Page H1751

Secret Service Recruitment and Retention Act of 2018: The House agreed to take from the Speaker's table and concur in the Senate amendment to H.R. 3731, to provide overtime pay for employees of the United States Secret Service. **Page H1751**

Unanimous Consent: When the House adjourns today, it adjourn to meet at 9 a.m. tomorrow for legislative business. **Page H1751**

Recess: The House recessed at 10:21 p.m. and reconvened at 1:20 a.m. **Page H1753**

Senate Referrals: S. 899 was referred to the Committee on Veterans Affairs' and Committee on Oversight and Government Reform. **Page H1753**

Quorum Calls—Votes: One yea and nay vote, and two recorded votes developed during the proceedings of today and appear on pages H1748–49, H1749–50, and H1750–51. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 1:21 a.m.

Committee Meetings

STATE AND NON-STATE ACTOR INFLUENCE OPERATIONS: RECOMMENDATIONS FOR U.S. NATIONAL SECURITY

Committee on Armed Services: Full Committee held a hearing entitled ''State and Non-State Actor Influence Operations: Recommendations for U.S. National Security''. Testimony was heard from public witnesses.

COMBATING THE OPIOID CRISIS: PREVENTION AND PUBLIC HEALTH SOLUTIONS

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Combating the Opioid Crisis: Prevention and Public Health Solutions''. Testimony was heard from Scott Gottlieb, M.D., Commissioner, Food and Drug Administration, Department of Health and Human Services; Anne Schuchat, Acting Director, Centers for Disease Control and Prevention; Christopher M. Jones, Director of the National Mental Health and Substance Use Policy Laboratory, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Full Committee held a markup on H.R. 2683, the ''Protecting Veterans Credit Act of 2017''; H.R. 4659, to require the appropriate Federal banking agencies to recognize the exposure-reducing nature of client margin for cleared derivatives; H.R. 4790, to amend the Volcker rule to give the Board of Governors of the Federal Reserve System sole rulemaking authority, to exclude community banks from the requirements of the Volcker rule, and for other purposes; H.R. 4861, the ''Ensuring Quality Unbiased Access to Loans Act of 2018''; H.R. 5051, the ''Public Company Registration Threshold Act''; H.R. 5076, the ''Small Bank Exam Cycle Improvement Act of 2018''; H.R. 5082, the ''Practice of Law Technical Clarification Act of 2018''; and H.R. 5323, the ''Derivatives Fairness Act''. H.R. 2683, H.R. 5076, and H.R. 4790 were ordered reported, as amended. H.R. 4861, H.R. 5082, H.R. 4659, H.R. 5051, and H.R. 5323 were ordered reported, without amendment.

THE FY 2019 FOREIGN ASSISTANCE BUDGET

Committee on Foreign Affairs: Full Committee held a hearing entitled ''The FY 2019 Foreign Assistance Budget''. Testimony was heard from Mark Green, Administrator, U.S. Agency for International Development.

U.S. RESPONSES TO CHINA'S FOREIGN INFLUENCE OPERATIONS

Committee on Foreign Affairs: Subcommittee on Asia and the Pacific held a hearing entitled ''U.S. Responses to China's Foreign Influence Operations''. Testimony was heard from public witnesses.

IMPLICATIONS OF A U.S.-SAUDI ARABIA NUCLEAR COOPERATION AGREEMENT FOR THE MIDDLE EAST

Committee on Foreign Affairs: Subcommittee on the Middle East and North Africa held a hearing entitled ''Implications of a U.S.-Saudi Arabia Nuclear Cooperation Agreement for the Middle East''. Testimony was heard from public witnesses.

SENATE AMENDMENT TO THE TARGET ACT

Committee on Rules: Full Committee held a hearing on Senate amendment to H.R. 1625, the ''TARGET Act [Consolidated Appropriations Act, 2018]. The Committee granted, by record vote of 8–3, a rule that provides for the consideration of the Senate amendment to H.R. 1625. The rule makes in order a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 115–66. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. In section 2, the rule provides that on any legislative day during the period from March 23, 2018, through April 9, 2018: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. In section 3, the rule provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2. In section 4, the rule provides that each day during the period addressed by section 2 shall not constitute a calendar day for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). In section 5, the rule provides that each day during the period addressed by section 2 shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). Finally, in section 6, the rule provides that the chair of the Committee on Appropriations may insert in the Congressional Record not later than March 22, 2018, such material as he may deem explanatory of

the Senate amendment and the motion specified in section 1. Testimony was heard from Chairman Frelinghuysen, and Representatives Lowey, Newhouse, Polis, Massie, Garrett, Biggs, Jordan, Mooney of West Virginia, Webster of Florida, and Perry.

U.S. TRADE POLICY AGENDA

Committee on Ways and Means: Full Committee held a hearing entitled ''U.S. Trade Policy Agenda''. Testimony was heard from Robert E. Lighthizer, United States Trade Representative.

IMPLEMENTATION OF MACRA'S PHYSICIAN PAYMENT POLICIES

Committee on Ways and Means: Subcommittee on Health held a hearing entitled ''Implementation of MACRA's Physician Payment Policies''. Testimony was heard from Demetrios L. Kouzoukas, Principal Deputy Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 22, 2018

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the challenges in the Department of Energy's atomic energy defense programs in review of the Defense Authorization Request for fiscal year 2019 and the Future Years Defense Program, 10 a.m., SH–216.

Subcommittee on Strategic Forces, to hold hearings to examine ballistic missile defense policies and programs in review of the Defense Authorization Request for fiscal year 2019 and the Future Years Defense Program, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold an oversight hearing to examine the Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Energy and Natural Resources: business meeting to consider the nominations of Theodore J. Garrish, of Maryland, to be an Assistant Secretary (International Affairs), and James Edward Campos, of Nevada, to be Director of the Office of Minority Economic Impact, both of the Department of Energy, and James Reilly, of Colorado, to be Director of the United States Geological Survey, Department of the Interior; to be immediately followed by a hearing to examine S. 2539, to amend the Energy and Water Development and Related Agencies Appropriations Act, 2015, to reauthorize certain projects to increase Colorado River System water, S. 2560, to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, and S. 2563, to improve the water supply and drought resilience of the United States, 10 a.m., SD–366.

Committee on Finance: to hold hearings to examine the President's 2018 trade policy agenda, 10 a.m., SD–215.

Committee on the Judiciary: business meeting to consider the nominations of John B. Nalbandian, of Kentucky, to be United States Circuit Judge for the Sixth Circuit, Kari A. Dooley, to be United States District Judge for the District of Connecticut, Dominic W. Lanza, to be United States District Judge for the District of Arizona, Jill Aiko Otake, to be United States District Judge for the District of Hawaii, and Thomas T. Cullen, to be United States Attorney for the Western District of Virginia, Robert K. Hur, to be United States Attorney for the District of Maryland, and David C. Joseph, to be United States Attorney for the Western District of Louisiana, all of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters; to be immediately followed by a closed hearing to examine certain intelligence matters, 2 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Energy and Water Development, and Related Agencies, budget hearing entitled ''FY 19 Budget Hearing, Applied Energy'', 9 a.m., 2362–B Rayburn.

Committee on Armed Services, Subcommittee on Strategic Forces, hearing entitled ''Fiscal Year 2019 Budget Request for Nuclear Forces and Atomic Energy Defense Activities'', 9 a.m., 2118 Rayburn.

Subcommittee on Emerging Threats and Capabilities, hearing entitled ''Reviewing Department of Defense Strategy, Policy, and Programs for Countering Weapons of Mass Destruction (CWMD) for Fiscal Year 2019'', 10:30 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''Combating the Opioid Crisis: Prevention and Public Health Solutions'', 10 a.m., 2123 Rayburn.

Subcommittee on Communications and Technology, hearing entitled ''Legislative Hearing on Four Communications Bills'', 10:15 a.m., 2322 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on National Security, hearing entitled ''Bureaucratic Challenges to Hurricane Recovery in Puerto Rico'', 2 p.m., 2154 Rayburn.

Committee on Science, Space, and Technology, Full Committee, markup on H.R. 5345, the ''American Leadership in Space Technology and Advanced Rocketry Act''; H.R. 5346, the ''Commercial Space Support Vehicle Act''; and H.R. 5086, the ''Innovators to Entrepreneurs Act of 2018'', 9 a.m., 2318 Rayburn.

Committee on Ways and Means, Full Committee, hearing entitled ''Hearing with Commerce Secretary Ross'', 9 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Full Committee, business meeting on Adoption of the Committee's

Investigative Report into Russian Active Measures During the 2016 Presidential Election, 9 a.m., HVC–304. This hearing is closed.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the Good Friday Agreement at 20, focusing on achievements and unfinished business, 9:30 a.m., 2200, Rayburn Building.

Next Meeting of the SENATE

10:30 a.m., Thursday, March 22

Senate Chamber

Program for Thursday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, March 22

House Chamber

Program for Thursday: Consideration of Senate amendment to H.R. 1625, Consolidated Appropriations.

Extensions of Remarks, as inserted in this issue

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