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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 25, 2014.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

UMITA AND UMRA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to talk about H.R. 899, the Unfunded Mandates Information and Transparency Act, which will be considered by the House later this week. I realize, Mr. Speaker, that this name doesn't come trippingly off the tongue, but it is an important piece of legislation.

Every year, Federal agencies impose thousands of regulatory mandates on local governments and small businesses. Those mandates are often costly, stretching city and State budgets and making it harder for businesses in North Carolina and around the country to grow and add jobs.

UMITA will force Washington to think much more carefully about regulatory costs before passing them on to small businesses and local governments. This bill will ensure that regulations are enacted only when the benefits to be gleaned by a rule outweigh the costs imposed by the rule.

Ultimately, this bill is about transparency and accountability, something Democrats and Republicans can support with equal fervor.

Mr. Speaker, I began the process of writing this legislation in 2007. Knowing that it takes a lot of creativity and hard work to pass legislation, I sat down with my staff to think about legislative ideas that could gain sufficient bipartisan support to be enacted.

We started looking at the Unfunded Mandates Reform Act of 1995, which cleared a Republican Congress before being signed by President Clinton. UMRA was a model for bipartisan legislating, so we looked to it for ideas.

The guiding principle of UMRA was that the American people would be better served by a government that regulates only on the basis of good information, including a cost-benefit analysis. UMRA was a good bill, but over time, shortcomings have become apparent. Multiple administrations over the past 19 years have attempted to fix loopholes in UMRA via executive actions.

Additionally, independent regulatory agencies have become far more prevalent in the intervening years, so it is very important to make sure they are bound by the same transparency requirements as other regulatory bodies.

To address these issues, we drafted the Unfunded Mandates Information and Transparency Act. UMITA will codify these executive fixes and fix some currently unaddressed loopholes to make sure that Federal agencies are in compliance with the spirit of UMRA.

Mr. Speaker, like UMRA, UMITA is bipartisan legislation. Three out of four cosponsors are Democrats. This bill has gained bipartisan support because it is purely about good government, fostering openness and honesty about the cost of regulations. Specifically, UMITA will require government's independent regulatory agencies to analyze the cost of their proposed mandates before they are imposed on the public; treat ''changes to conditions of grant aid'' as mandates, guarantee the public always has the opportunity to weigh in on regulations; and equip Congress and the American people with better tools to determine the true cost of regulations.

Finally, H.R. 899 will ensure government is held accountable for following these rules. If the requirements set for by UMRA and UMITA are not met, a judicial stay may be placed upon regulations.

UMITA is a bipartisan solution to a bipartisan problem: unaccountable Federal agencies damaging our economy with poorly considered regulations.

I look forward to broad support from my colleagues from both sides of the aisle when it is considered on Friday.

REMINGTON TO ALABAMA

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

Mr. BROOKS of Alabama. Mr. Speaker, last week the Tennessee Valley of north Alabama enjoyed a great economic victory when Remington Outdoor Company announced 2,000 new

jobs and a new firearms manufacturing plant in the valley.

Last month, New York Governor Andrew Cuomo declared that hardworking Americans who believe in the Second Amendment's right to bear arms ''have no place in the State of New York because that's not who New Yorkers are.''

No question, Alabama and the Tennessee Valley owe a debt of gratitude to New York and its Governor Cuomo for helping to inspire Remington to expand in Alabama, but to be fair, New York's hostility to the Second Amendment is only one factor supporting Remington's Alabama expansion. The most important factor is that Alabama is simply a better place to do business.

New York's income tax rates are roughly 60 percent higher than Alabama's, which means Alabama's hardworking citizens keep more of the money they earn.

New York's per capita property tax rates are roughly four times higher than those in Alabama, which means Huntsville metro citizens are twice as likely to own a home as New Yorkers.

New York's business tax burden is the 50th worst in America, while Alabama's is a respectable 21st.

New York residents are 25 percent more likely to live in poverty than Huntsville metro citizens. Out of 50 States, Alabama's long-term solvency is 5th best in America, and its overall fiscal condition is 10th best. New York's financial condition is near the bottom, ranking 45th in each category.

Alabama's financial future is bright. New York increasingly risks being unable to pay for basic services.

New York workers average commuting 78 minutes a day to and from work versus 36 minutes a day for Huntsville metro citizens. Tennessee Valley citizens have more time to spend with their families and the enjoyment of life.

In Alabama, the cost of living is 11 percent below the national average. In New York, the cost of living is 25 percent above the national average. A paycheck in Alabama buys 40 percent more than the same paycheck in New York.

Alabama's right-to-work law means that Alabamians cannot be forced to join a union against their will. Whether it be our right-to-work law or the Second Amendment right to bear arms, Alabama's motto says it all: ''We dare defend our rights.''

Beating out New York was only half the battle for Remington's plant. Alabama faced stiff competition from 24 other States; yet, in the judgment of Remington, the Tennessee Valley was the best place to live, work, and grow their business.

Why? The Tennessee Valley is highly educated. For example, Huntsville metro has the highest per capita concentration of engineers in America. Huntsville and Madison County are ranked number seven in America by CNN Money as ''a great place to live and find a job,'' number four in America by the Progressive Policy Institute on the list of America's high-tech hot spots, in the top 10 in America by USA Today as a great place to be inspired by innovation, number three in America by business facilities for aerospace and defense manufacturing, and in the top 10 in America by Family Circle magazine for being a great place to raise a family.

The Tennessee Valley is blessed with a clean environment and four major lakes with world-renowned fishing and water sports, lakes that stretch the entire length of the Tennessee Valley.

Unlike New York and other blue States, in Alabama, envy, greed, and class warfare are not political weapons that justify attacking, taxing, and destroying success. To the contrary, in Alabama, we applaud those who, through hard work, find prosperity and the American Dream.

In Alabama, we are blessed with a great Governor in Robert Bentley. We are blessed with political leaders in Jackson, Marshall, Madison, Limestone, Morgan, Lawrence, Colbert, and Lauderdale Counties who support free enterprise and are cooperative and willing to help each other achieve success, attributes that were critical to Remington's concluding that the Tennessee Valley was the best place in America for Remington to grow and prosper.

Thanks to Remington, Americans will soon be able to exercise their Second Amendment rights by buying and owning firearms made in the great State of Alabama.

Thank you, Remington.

As for all you other businesses in blue States who are tired of being attacked and regulated and taxed into submission and financial loss, come on down. There is a reason why Remington chose Alabama and a reason why we are called ''Alabama, the Beautiful.''

Try Alabama. I promise you will like it and wonder why you didn't come sooner.

ROBERT NEWTON LOWRY, A TRUE AMERICAN HERO

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

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a true American hero, Robert Newton Lowry, on his 95th birthday. Bob was born on this day, February 25, 1919, 95 years ago, here in Washington, D.C. He considers Modesto, California, his home.

For high school, Mr. Lowry attended Manlius School, a military school in upstate New York. He graduated at the top of his class and was named an ROTC honor grad. Bob also received a commission to the United States Army, but, unfortunately, he was too young to accept it at the time.

He then was admitted to Princeton University. During his time there, he received the prestigious New York Herald Book Award. He graduated in 1942 with highest honors, summa cum laude and ROTC. These honors earned him another commission, this time to the United States Marine Corps as a second lieutenant. In July 1942, following Officer Candidate School at Quantico, he began artillery training.

In February of 1943, Bob sailed out of San Diego Harbor with the 2nd Battalion, 12th Regiment of the Third Marine Division. He joined the fighting in the Solomon Islands in the South Pacific, first in Guadalcanal, then the original invasions of Bougainville, Guam, and Iwo Jima.

During his time in Auckland, New Zealand, Bob met his wife, Lieutenant Commander Mary Dudley. They married in May of 1946. Mary died in April 2005, just 2 weeks before their 60th anniversary. Mary always maintained that, as lieutenant commander, she outranked him both in the military service and in their marriage. They are survived by two children, Robert Dudley Lowry and Ann Lowry-Perez, as well as four grandchildren: Sam and Joe Lowry, and Michael and Lowry Champion.

After the battle of Iwo Jima, Bob returned stateside to Norfolk, Virginia, where he commanded a Marine guard company at the naval station. He was soon appointed commanding officer of the Europa, a 100-man Marine detachment sent to Europe to provide security for a seized German luxury liner. Bob was one of the few Marine Corps officers to manage the commissioning of this kind of Navy vessel.

Bob was released from Active Duty in January 1946 and retired from the Marines in 1959 with the rank of major. Following his time in the Marines, he enrolled in law school at the University of Virginia in a postwar accelerated program, graduating in 1948.

Bob then began a lifetime of specialty law practice, primarily in public utility and transportation. His career started first with the Southern Railway and then progressed to his work at a law firm in Washington, D.C.

In 1953, Bob accepted a position with Brobeck, Phleger & Harrison, a renowned law firm in San Francisco, from which he retired in 1989. He has greatly enjoyed the company of the Marine Corps League, the Modesto Detachment, whose members regularly go out of their way to include him, to celebrate his service, as well as they are doing his 95th birthday celebration.

Mr. Speaker, please join me in honoring Robert Newton Lowry on his unwavering dedication and contributions to this great Nation.

□ 1215

THE DIVINE NINE

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

Ms. KELLY of Illinois. Mr. Speaker, as we observe the final week of Black

History Month, I would like to recognize the Divine Nine historically Black fraternities and sororities of the National Pan-Hellenic Council.

For over 100 years, brothers and sisters of the Divine Nine have played an instrumental role in altering the course of American history, and the Divine Nine have served as training grounds for some of our Nation's best and brightest leaders.

The Divine Nine Organizations are:

Alpha Phi Alpha Fraternity, founded in 1986 at Cornell University. Their brotherhood includes the Reverend Dr. Martin Luther King, Jr.; Congressmen EMANUEL CLEAVER, DANNY DAVIS, CHAKA FATTAH, AL GREEN, GREGORY MEEKS, CHARLES RANGEL, DAVID SCOTT, and BOBBY SCOTT; Ambassador Andrew Jackson Young; the National Urban League president, Marc Morial; legal pioneers Charles Hamilton Houston and Thurgood Marshall; and their honorable grand president, Mark S. Tillman.

Alpha Kappa Alpha Sorority, founded in 1908 at Howard University. Their sisterhood proudly boasts Congresswomen SHEILA JACKSON LEE, EDDIE BERNICE JOHNSON, TERRI SEWELL, and FREDERICA WILSON; actress Phylicia Rashad of ''The Cosby Show''; author Maya Angelou; civil rights leaders Rosa Parks and Coretta Scott King; and their honorable president attorney, Carolyn House Stuart.

Kappa Alpha Psi Fraternity, founded in 1911 at Indiana University. Among their notable achievers are Microsoft chairman and CEO, John W. Thompson; civil rights leader the Reverend Ralph Abernathy; founding member of the Congressional Black Caucus, the Reverend Delegate Walter Fauntroy; Congressmen SANFORD BISHOP, WILLIAM LACY CLAY, JOHN CONYERS, ALCEE HASTINGS, BENNIE THOMPSON, and HAKEEM JEFFRIES; and Grand Polemarch William ''Randy'' Bates.

Omega Psi Phi Fraternity, founded in 1911 at Howard University. They include in their ranks Assistant House Democratic Leader JAMES CLYBURN of South Carolina; Congressman HANK JOHNSON of Georgia; NASA Administrator Charles Bolden; comedian Bill Cosby; Dr. Charles Drew, whose medical research in the field of blood transfusions led to the founding of the blood bank; and their honorable grand basileus, Dr. Andrew Ray.

Delta Sigma Theta, founded in 1913 at Howard University. Delta counts as sisters my esteemed colleague and chairwoman of the Congressional Black Caucus, the Honorable MARCIA L. FUDGE; also Congresswomen YVETTE CLARKE and JOYCE BEATTY; Shirley Chisolm, the first African American woman elected to Congress; former Secretary of Labor Alexis Herman; and their honorable president, Paulette C. Walker.

Phi Beta Sigma Fraternity, founded in 1914 at Howard University. Not only are the Sigmas the fraternity of my husband, Dr. Nathaniel Horn, they also include former President of the United States William Jefferson Clinton; Congressman JOHN LEWIS; A. Phillip Randolph, civil rights pioneer and leader of the Brotherhood of Sleeping Car Porters; Dr. George Washington Carver; and their Honorable President, Jonathan Mason.

Zeta Phi Beta Sorority, founded in 1920 at Howard University. Notable sisters include author Zora Neale Hurston; jazz great Sarah Vaughan; the late Congresswoman Julia Carson; and their honorable president, Mary Breaux Wright.

Sigma Gamma Rho, my sorority, founded in 1922 at Butler University. The sisters of Sigma Gamma Rho include Congresswoman CORRINE BROWN of Florida and the late Congresswoman Lindy Boggs; the first African American winner of an Academy Award, Hattie McDaniel; and our esteemed grand basileus, Bonita Herring.

Finally, Iota Phi Theta, founded in 1963 at Morgan State University. Their notables include Congressman BOBBY RUSH; Billy Ocasio, former alderman to Chicago's 26th Ward and current adviser to Governor Pat Quinn; and their honorable grand polaris, Robert Clark.

Whether it has been standing up for women's suffrage, advancing civil rights by dismantling Jim Crow, advancing the science of medicine, or leading in business innovation, the Divine Nine has been there the entire time leading from the front.

The Divine Nine's scope of service is felt far beyond their organizational borders. The work of these fraternities and sororities has helped to make this Nation a better place for all Americans. For this, and many other reasons, I thank the entire Divine Nine for a job well done.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 19 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

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

As we meditate on all the blessings of life, we especially pray for the blessing of peace in our lives and in our world. Our fervent prayer, O God, is that people will learn to live together in reconciliation and respect, so that the terrors of war and of dictatorial abuse will be no more.

In a special way, we ask Your blessing upon the people of Ukraine. May peace and civility descend upon that nation as it finds itself in political turmoil.

May Your special blessings be upon the Members of this assembly as they return from a week in their home districts. Give them wisdom and charity, that they might work together for the common good.

May all that is done this day in the people's House be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. BUTTERFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. BUTTERFIELD 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.

THE SUSTAINABLE GROWTH RATE FORMULA

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

Mr. BURGESS. Mr. Speaker, in just a little bit over a month's time, the Nation's physicians will face a 25 percent reduction in payment in the Medicare system. This severely affects access for Medicare patients and is something that could be resolved.

Two weeks ago, for the first time, introduced in the House, H.R. 4015 was a compromise agreement between Republicans and Democrats, House and Senate, on a way forward for repealing the sustainable growth rate formula.

It does represent a compromise and is not going to please everyone, but it is a significant achievement and was marked by an editorial piece in The Wall Street Journal on February 19 titled ''Fixing the 'Doc Fix.' ''

In the Journal's editorial, they note that the Senate Finance, House Ways and Means, and Energy and Commerce Committees don't agree on much, but they are doing a service by agreeing to end this charade known as the SGR.

They go on to note that ''doctors hate the uncertainty of the SGR.'' That is an understatement. Every Member of this House has heard from their physicians back home about how much they hate this formula.

They go on to say, ''Absent reform, one way or another the money is going

to be spent, and Congress can either continue to do so in incremental doc fix slices or admit in advance that it was always going to do it.''

In fact, the time has come. It is within our power. We should repeal the SGR and pass H.R. 4015.

APPLAUDING THE MORAL MONDAY PROTESTS

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

Mr. BUTTERFIELD. Mr. Speaker, on February 8, more than 80,000 North Carolinians rallied outside the State capitol building in Raleigh to protest the extreme policies of North California Republican Governor Pat McCrory and the Republican-led legislature.

North Carolina Republicans have cut education funding to the bone, denied a half-million people access to health care by refusing to expand Medicaid, and are trying to silence North Carolina citizens by making it harder to vote.

Mr. Speaker, these policies are making life difficult, and North Carolinians have had enough. North Carolina Republican leaders must not continue to sacrifice the common good of millions to benefit an elite few.

We need to increase funding for education and job training, expand health care access, and guarantee the right to vote.

I applaud the Moral Monday protests and all those who support a better way to govern.

HONORING DR. NEHEMIAH DAVIS' 50TH ANNIVERSARY AS PASTOR OF MOUNT PISGAH MISSIONARY BAPTIST CHURCH

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

Mr. VEASEY. Mr. Speaker, I rise today to honor Reverend Nehemiah Davis on his 50th anniversary as pastor of the historic Mount Pisgah Baptist Church. The church is in my hometown of Fort Worth, Texas, located on Evans Avenue, on the historical South Side.

While this year marks Dr. Davis' 50th year as pastor of Mount Pisgah, I would also like to congratulate him on his installation as president of the National Missionary Baptist Convention of America.

Pastor Davis' dedication to the church and to his community is exceeded only by his devotion to his wife, Dorothy Nell Cole Davis, and his two daughters, Carol Michelle Davis Jackson and Nina Caron Davis, who have given Dr. Davis two grandkids.

Mr. Speaker, Pastor Davis has lived his entire life giving service to the community and preaching the faith, and he wanted everyone here to know today that out of all the things that he has accomplished over his lifetime, that he is also very proud of his domino-playing skills.

I ask my distinguished colleagues of the 113th Congress to join me in honoring Pastor Davis on his 50th anniversary as pastor of Mount Pisgah Missionary Baptist Church, as well as an exemplary life of service.

CONDITIONS IN SOUTH SUDAN

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

Mr. WOLF. Mr. Speaker, this picture depicts South Sudanese women in a food distribution line. Another desperate woman at the fore is hunched over barbed wire.

Violence, displacement, and starvation plague the world's newest nation, but that doesn't have to be so.

Months ago, I wrote the Obama administration urging that they invite former President George W. Bush and the Bush Institute to engage in the crisis, given that President Bush had forged lasting relationships with South Sudanese leaders during the negotiation of peace in 2005.

The Obama administration, perhaps constrained by pride, has failed to act, and the very nation the U.S. helped birth is perishing in its infancy.

TROOP REDUCTION THREATENS NATIONAL SECURITY

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

Mr. WILSON of South Carolina. Mr. Speaker, Defense Secretary Chuck Hagel outlined a proposal yesterday calling for a troop reduction that will shrink our Army to its smallest size since World War II began in 1939.

This decision is sad proof that the President's priorities will threaten the strength of our military at a time of worldwide instability as al Qaeda and its affiliates develop safe havens across North Africa, the Middle East, and Central Asia with an intent to destroy America.

This past week, I participated in a delegation led by Foreign Affairs Committee Chairman ED ROYCE to Asia. In Japan, South Korea, Taiwan, and the Philippines, we met national leaders who are building their militaries to face the rising threats and promoting peace through strength.

Efficiencies must be made to maintain our end strength. The President has misplaced priorities and chosen to place our brave men and women in uniform on the chopping block in order to spend more money promoting Big Government dependency. National defense is the first duty of the national government, as promoted by the Military Officers Association of America.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

LET'S MAKE THE FEDERAL GOVERNMENT LEANER, MORE EFFICIENT, AND MORE ACCOUNTABLE

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

Mr. YODER. Mr. Speaker, during our most recent constituent listening tour, I had the opportunity to speak with over 1,000 Kansans, many who continue to voice their frustration with a Federal Government that seems to create more problems than it fixes and builds too many barriers to success for those working to realize the American Dream.

Mr. Speaker, the House must continue to pass legislation that helps regular, average, working American people. Despite the entrenched Washington interests, we must remove the Big Government barriers that are slowing the drive and ingenuity of our great Nation.

We must pursue a robust, all-of-the-above energy policy that increases domestic energy production, making us less dependent on foreign sources of energy, keeping energy prices down for American families, and putting tens of thousands of Americans back to work.

We must reform the Tax Code that is riddled with exemptions and loopholes and is unfair to the average American worker. We must put forward patient-centered reforms to our health care system that spur competition, quality of care innovation, and cost reduction.

Mr. Speaker, we must make our Federal Government leaner, more efficient, and more accountable to the American people.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO CUBA AND OF THE EMERGENCY AUTHORITY RELATING TO THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 113–92)

The SPEAKER pro tempore (Mr. DENHAM) 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 Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency declared on March 1, 1996, with respect to the Government

of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, *February 25, 2014.*

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 13 minutes p.m.), the House stood in recess.

□ 1502

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee) at 3 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

FOIA OVERSIGHT AND IMPLEMENTATION ACT OF 2014

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1211) to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1211

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 ''FOIA Oversight and Implementation Act of 2014'' or the ''FOIA Act''.

SEC. 2. FREEDOM OF INFORMATION ACT AMENDMENTS.

(a) ELECTRONIC ACCESSIBILITY.—Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking ''for public inspection and copying'' and inserting ''in an electronic, publicly accessible format'' each place it appears;

(ii) by striking ''; and'' and inserting a semicolon;

(iii) by striking subparagraph (E) and inserting the following new subparagraphs:

''(E) copies of all releasable records, regardless of form or format, that have been requested three or more times under paragraph (3); and

''(F) a general index of the records referred to under subparagraphs (D) and (E);''; and

(iv) in the matter following subparagraph (F) (as added by clause (ii) of this subparagraph)—

(I) by striking ''subparagraph (D)'' and inserting ''subparagraphs (D) and (E)''; and

(II) by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''; and

(B) in paragraph (7)—

(i) in subparagraph (A), by striking ''that will take longer than ten days to process''; and

(ii) in subparagraph (B), by inserting ''automated'' after ''provides'';

(2) in subsection (g), by striking ''make publicly available upon request'' and inserting ''make available in an electronic, publicly accessible format''; and

(3) by adding at the end the following new subsection:

''(m) FOIA WEB SITE REQUIRED.—Not later than one year after the date of enactment of this subsection, the Office of Management and Budget shall ensure the existence and operation of a single website, accessible by the public at no cost to access, that allows the public to—

''(1) submit requests for records under subsection (a)(3);

''(2) receive automated information about the status of a request under subsection (a)(7); and

''(3) file appeals.''.

(b) PRESUMPTION OF OPENNESS.—Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9), by inserting before ''Any reasonably segregable portion'' the following: ''An agency may not withhold information under this subsection unless such agency reasonably foresees that disclosure would cause specific identifiable harm to an interest protected by an exemption, or if disclosure is prohibited by law.''.

(c) THE OFFICE OF GOVERNMENT INFORMATION SERVICES.—Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)(4)(A)(i), by striking ''the Director of the Office of Management and Budget'' and inserting ''the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Information Services,''; and

(2) by amending subsection (h) to read as follows:

''(h) THE OFFICE OF GOVERNMENT INFORMATION SERVICES.—

''(1) ESTABLISHMENT.—There is established the Office of Government Information Services within the National Archives and Records Administration. The head of the Office is the Director of the Office of Government Information Services.

''(2) REVIEW OF FOIA POLICY, PROCEDURE, AND COMPLIANCE.—The Office of Government Information Services shall—

''(A) review policies and procedures of agencies under this section;

''(B) review compliance with this section by agencies;

''(C) identify methods that improve compliance under this section that may include—

''(i) the timely processing of requests submitted to agencies under this section;

''(ii) the system for assessing fees and fee waivers under this section; and

''(iii) the use of any exemption under subsection (b); and

''(D) review and provide guidance to agencies on the use of fees and fee waivers.

''(3) MEDIATION SERVICES.—The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

''(4) SUBMISSION OF REPORT.—

''(A) IN GENERAL.—The Office of Government Information Services shall not less than annually submit to the committees described in subparagraph (C) and the President a report on the findings from the information reviewed and identified under paragraph (2), a summary of the Office's activities under paragraph (3) (including any advisory opinions issued), and legislative and regulatory recommendations to improve the administration of this section.

''(B) ELECTRONIC AVAILABILITY OF REPORTS.—The Office shall make available any report submitted under paragraph (A) in a publicly accessible format.

''(C) CONGRESSIONAL SUBMISSION OF REPORT.—The committees described in this subparagraph are the following:

''(i) The Committee on Oversight and Government Reform of the House of Representatives.

''(ii) The Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate.

''(D) DIRECT SUBMISSION OF REPORTS AND TESTIMONY.—Any report submitted under paragraph (A), any testimony, or any other communication to Congress shall be submitted directly to the committees and the President, without any requirement that any officer or employee outside of the Office of Government Information Services, including the Archivist of the United States and the Director of the Office of Management and Budget, review such report, testimony, or other communication.

''(5) SUBMISSION OF ADDITIONAL INFORMATION.—The Director of the Office of Government Information Services may submit additional information to Congress and the President that the Director determines to be appropriate.

''(6) ANNUAL MEETING REQUIRED.—Not less than once a year, the Office of Government Information Services shall hold a meeting that is open to the public on the review and reports by the Office and permit interested persons to appear and present oral or written statements at such meeting.''.

(d) PUBLIC RESOURCES.—Section 552(a)(6)(A) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and'' and inserting the following: ''of—

''(I) such determination and the reasons therefor;

''(II) the right of such person to seek assistance from the agency FOIA Public Liaison; and

''(III) the right of such person to appeal to the head of the agency any adverse determination, within a period determined by the agency that is not less than 90 days after the receipt of such adverse determination; and''; and

(2) in clause (ii), by striking the period and inserting the following: ''and the right of such person to seek dispute resolution services from the agency FOIA Public Liaison or the Office of Government Information Services.''

(e) ADDITIONAL DISCLOSURE OF INFORMATION REQUIREMENTS.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following new paragraphs:

''(8) DISCLOSURE OF INFORMATION FOR INCREASED PUBLIC UNDERSTANDING OF THE GOVERNMENT.—Each agency shall—

''(A) review the records of such agency to determine whether the release of the records would be in the public interest because it is likely to contribute significantly to public

understanding of the operations or activities of the Government;

''(B) for records determined to be in the public interest under subparagraph (A), reasonably segregate and redact any information exempted from disclosure under subsection (b); and

''(C) make available in an electronic, publicly accessible format, any records identified in subparagraph (A), as modified pursuant to subparagraph (B).

''(9) INCREASED DISCLOSURE OF INFORMATION.—Each agency shall—

''(A) make information public to the greatest extent possible through modern technology to—

''(i) inform the public of the operations and activities of the Government; and

''(ii) ensure timely disclosure of information; and

''(B) establish procedures for identifying categories of records that may be disclosed regularly and additional records of interest to the public that are appropriate for public disclosure, and for posting such records in an electronic, publicly accessible format.''.

(f) REPORT ON CATEGORIES OF INFORMATION FOR DISCLOSURE.—Not later than one year after the date of the enactment of this Act, and every two years thereafter, the Director of the Office of Information Policy of the Department of Justice, after consultation with agencies selected by the Director, shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate a report that identifies categories of records that would be appropriate for proactive disclosure, and shall make such report available in an electronic, publicly accessible format.

(g) AGENCY FOIA REPORT.—Section 552(e) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''and to the Director of the Office of Government Information Services'' after ''the Attorney General of the United States'';

(B) in subparagraph (N), by striking ''; and'' and inserting a semicolon;

(C) in subparagraph (O), by striking the period and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

''(P) the number of times the agency invoked a law enforcement exclusion under subsection (c);

''(Q) the number of times the agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison;

''(R) the number of records that were made available in an electronic, publicly accessible format under subsection (a)(2); and

''(S) the number of times the agency assessed a search or duplication fee under subsection (a)(4)(A) and did not comply with a time limit under subsection (a)(6).'';

(2) by amending paragraph (3) to read as follows:

''(3) ELECTRONIC ACCESSIBILITY OF REPORTS.—Each agency shall make each such report available in an electronic, publicly accessible format. In addition, each agency shall make the raw statistical data used in its reports available in a timely manner in an electronic, publicly accessible format. Such data shall be—

''(A) made available without charge, license, or registration requirement;

''(B) capable of being searched and aggregated; and

''(C) permitted to be downloaded and downloaded in bulk.'';

(3) in paragraph (4)—

(A) by striking ''Committee on Government Reform and Oversight'' and inserting ''Committee on Oversight and Government Reform'';

(B) by striking ''Governmental Affairs'' and inserting ''Homeland Security and Governmental Affairs''; and

(C) by striking ''April 1'' and inserting ''March 1'';

(4) in paragraph (5)—

(A) by inserting ''and the Director of the Office of Government Information Services'' after ''the Director of the Office of Management and Budget''; and

(B) by striking ''by October 1, 1997''; and

(5) by amending paragraph (6) to read as follows:

''(6) ATTORNEY GENERAL FOIA REPORT.—

''(A) IN GENERAL.—The Attorney General of the United States shall submit to Congress and the President an annual report on or before March 1 of each calendar year which shall include for the prior calendar year—

''(i) a listing of the number of cases arising under this section;

''(ii) each subsection under this section, each paragraph of the subsection, and any exemption, if applicable, involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4); and

''(iii) a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

''(B) ELECTRONIC AVAILABILITY.—The Attorney General of the United States—

''(i) shall make each report described under subparagraph (A) available in an electronic, publicly accessible format; and

''(ii) shall make the raw statistical data used in each report available in an electronic, publicly accessible format, which shall be—

''(I) made available without charge, license, or registration requirement;

''(II) capable of being searched and aggregated; and

''(III) permitted to be downloaded, including downloaded in bulk.''.

(h) SEARCH OR DUPLICATION FEES.—Section 552(a)(4)(A)(viii) of title 5, United States Code, is amended by adding at the end the following new sentence: ''Any agency that does assess search or duplication fees after failing to comply with a time limit under paragraph (6) shall provide written notice to the requester of the circumstance that justifies the fees. If an agency fails to provide such notice, the agency may not assess search or duplication fees.''.

(i) GOVERNMENT ACCOUNTABILITY OFFICE.—Subsection (i) of section 552 of title 5, United States Code, is amended to read as follows:

''(i) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office shall—

''(1) conduct audits of administrative agencies on compliance with and implementation of the requirements of this section and issue reports detailing the results of such audits;

''(2) catalog the number of exemptions under subsection (b)(3) and agency use of such exemptions; and

''(3) review and prepare a report on the processing of requests by agencies for information pertaining to an entity that has received assistance under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) during any period in which the Government owns or owned more than 50 percent of the stock of such entity.''.

(j) CHIEF FOIA OFFICER RESPONSIBILITIES; COUNCIL; REVIEW.—Section 552 of title 5, United States Code, is amended—

(1) by striking subsections (j) and (k); and

(2) by inserting after subsection (i), the following new subsections:

''(j) CHIEF FOIA OFFICER.—

''(1) DESIGNATION.—Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

''(2) DUTIES.—The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

''(A) have agency-wide responsibility for efficient and appropriate compliance with this section;

''(B) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

''(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

''(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

''(E) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply;

''(F) serve as the primary agency liaison with the Office of Government Information Services and the Office of Information Policy; and

''(G) designate one or more FOIA Public Liaisons.

''(3) COMPLIANCE REVIEW REQUIRED.—The Chief FOIA Officer of each agency shall—

''(A) review, not less than annually, all aspects of the agency's administration of this section to ensure compliance with the requirements of this section, including—

''(i) agency regulations;

''(ii) disclosure of records required under paragraphs (2), (8), and (9) of subsection (a);

''(iii) assessment of fees and determination of eligibility for fee waivers;

''(iv) the timely processing of requests for information under this section;

''(v) the use of exemptions under subsection (b); and

''(vi) dispute resolution services with the assistance of the Office of Government Information Services or the FOIA Public Liaison; and

''(B) make recommendations as necessary to improve agency practices and compliance with this section.

''(k) CHIEF FOIA OFFICERS COUNCIL.—

''(1) ESTABLISHMENT.—There is established in the executive branch the Chief FOIA Officers Council (in this subsection, referred to as the 'Council').

''(2) MEMBERS.—The Council shall consist of the following members:

''(A) The Deputy Director for Management of the Office of Management and Budget.

''(B) The Director of the Office of Information Policy at the Department of Justice.

''(C) The Director of the Office of Government Information Services at the National Archives and Records Administration.

''(D) The Chief FOIA Officer of each agency.

''(E) Any other officer or employee of the United States as designated by the Co-Chairs.

''(3) CO-CHAIRS.—The Director of the Office of Information Policy at the Department of Justice and the Director of the Office of Government Information Services at the National Archives and Records Administration shall be the Co-Chairs of the Council.

''(4) SUPPORT SERVICES.—The Administrator of General Services shall provide administrative and other support for the Council.

''(5) CONSULTATION.—In performing its duties, the Council shall consult regularly with members of the public who make requests under this section.

''(6) DUTIES.—The duties of the Council include the following:

''(A) Develop recommendations for increasing compliance and efficiency under this section.

''(B) Disseminate information about agency experiences, ideas, best practices, and innovative approaches related to this section.

''(C) Identify, develop, and coordinate initiatives to increase transparency and compliance with this section.

''(D) Promote the development and use of common performance measures for agency compliance with this section.

''(7) MEETINGS.—

''(A) REGULAR MEETINGS.—The Council shall meet regularly and such meetings shall be open to the public unless the Council determines to close the meeting for reasons of national security or to discuss information exempt under subsection (b).

''(B) ANNUAL MEETINGS.—Not less than once a year, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.

''(C) NOTICE.—Not later than 10 business days before a meeting of the Council, notice of such meeting shall be published in the Federal Register.

''(D) PUBLIC AVAILABILITY OF COUNCIL RECORDS.—Except as provided in subsection (b), the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by the Council shall be made publicly available.

''(E) MINUTES.—Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council.''.

(k) REGULATIONS.—

(1) REVISION OF REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the head of each agency shall review the regulations of such agency and shall issue regulations on procedures for the disclosure of records under section 552 of title 5, United States Code, in accordance with the amendments made by this section. The regulations of each agency shall include—

(A) procedures for engaging in dispute resolution; and

(B) procedures for engaging with the Office of Government Information Services.

(2) OFFICE OF GOVERNMENT INFORMATION SERVICES REPORT.—Not later than 270 days after the date of the enactment of this Act, the Office of Government Information Services shall submit to Congress a report on agency compliance with the requirements of this subsection.

(3) REPORT ON NONCOMPLIANCE.—The head of any agency that does not meet the requirements of paragraph (1) shall submit to Congress a report on the reason for noncompliance not later than 270 days after the date of the enactment of this Act.

(4) INSPECTOR GENERAL REVIEW FOR NONCOMPLIANCE.—Any agency that fails to comply with the requirements of this subsection shall be reviewed by the Office of Inspector General of such agency for compliance with section 552 of title 5, United States Code.

(5) AGENCY DEFINED.—In this section, the term ''agency'' has the meaning given such term in section 552(f) of title 5, United States Code.

SEC. 3. PILOT PROGRAM.

(a) ESTABLISHMENT.—The Director of the Office of Management and Budget shall establish a pilot program for 3 years to review the benefits of a centralized portal to process requests and release information under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(b) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall establish a plan to evaluate the functionality and benefits of a centralized portal to receive and track requests made under section 552 of title 5, United States Code, by selecting no less than 3 agencies that have not previously participated in a centralized portal, including at least one of the following:

(1) An agency that receives more than 30,000 requests annually for information under section 552 of title 5, United States Code.

(2) An agency that receives between 15,000 and 30,000 requests annually for information under such section.

(3) An agency that receives 15,000 or fewer requests annually for information under such section.

(c) AGENCY USE OF WEB SITE.—Each agency selected under subsection (b) shall use the centralized portal to—

(1) receive requests under section 552 of title 5, United States Code;

(2) consult with and refer requests to participating agencies;

(3) if practicable, process requests received under such section;

(4) track the status of requests submitted under such section; and

(5) make records released available publicly through the centralized portal.

(d) REVIEW REQUIRED.—The Director of the Office of Management and Budget shall, in consultation with the Attorney General, the Office of Government Information Services, and the head of each agency participating in the pilot program, review the benefits of a centralized portal, including—

(1) any cost saving, resource saving, or efficiency gained;

(2) any change in the amount of requests received under section 552 of title 5, United States Code;

(3) any increase in transparency and accessibility to Government information; and

(4) any changes in the ability to access and compile information needed for agency annual reports required under section 552 of title 5, United States Code.

(e) REPORT REQUIRED.—Not later than 3 months after the completion of the pilot program, the head of each agency participating in the program—

(1) shall submit to Congress a report on the impact of the pilot program on agency processes under section 552 of title 5, United States Code, whether the agency will continue to participate in the centralized portal, and any recommendations the head of the agency considers appropriate; and

(2) shall make such report available in an electronic, publicly accessible format.

(f) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term in section 552(f) of title 5, United States Code.

(2) CENTRALIZED PORTAL.—The term ''centralized portal'' means an electronic online portal that allows a requester to submit a request under section 552 of title 5, United States Code, to any participating agency, to track the status of a request, and to obtain a response to a request made through the portal.

SEC. 4. INSPECTOR GENERAL REVIEW; ADVERSE ACTIONS.

(a) INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—The Inspector General of each agency shall—

(A) periodically review compliance with the requirements of section 552 of title 5, United States Code, including the timely processing of requests, assessment of fees and fee waivers, and the use of exemptions under subsection (b) of such section; and

(B) make recommendations the Inspector General determines to be necessary to the head of the agency, including recommendations for disciplinary action.

(2) AGENCY DEFINED.—In this subsection, the term ''agency'' has the meaning given that term under section 552(f) of title 5, United States Code.

(b) ADVERSE ACTIONS.—The withholding of information in a manner inconsistent with the requirements of section 552 of title 5, United States Code (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of such title, as the case may be.

SEC. 5. OPEN GOVERNMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Archivist of the United States shall establish an Open Government Advisory Committee (in this section, referred to as the ''Committee''), an independent advisory committee to make recommendations for improving Government transparency.

(b) MEMBERSHIP; CHAIR; MEETINGS; QUALIFICATIONS OF MEMBERS.—The Committee shall be composed of at least nine members appointed by the Archivist, one of whom shall be designated the Chair by the members, and shall meet at such times and places as may be designated by the Chair. Each member of the Committee shall be qualified by education, training, or experience to make recommendations on improving Government transparency. The membership of the Committee shall include—

(1) representatives of the Department of Justice and the Office of Government Information Services;

(2) at least two members with experience requesting information under section 552 of title 5, United States Code (including one member of the news media); and

(3) at least one member with expertise in information technology.

(c) COMPENSATION.—While serving on the business of the Committee, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Archivist.

(d) CONFLICT OF INTEREST DISCLOSURE.—The members of the Committee shall be considered to be special Government employees (as such term is defined in section 202 of title 18, United States Code).

(e) STAFF.—The Archivist may appoint and fix the compensation of such personnel as may be necessary to enable the Committee to carry out its functions. Any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code. Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of regular employment of such employee without interruption.

(f) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee and any subcommittee or subgroup thereof.

(g) DISCLOSURE OF INFORMATION.—The Archivist shall make publicly available the following information:

(1) The charter of the Committee.

(2) A description of the process used to establish and appoint the members of the Committee, including the following:

(A) The process for identifying prospective members.

(B) The process of selecting members for balance of viewpoints or expertise.

(C) The reason each member was appointed to the Committee.

(3) A list of all current members, including, for each member, the name of any person or entity that nominated the member.

(4) A summary of the process used by the Committee for making decisions.

(5) A transcript or audio or visual recording of each meeting of the Committee.

(6) Any written determination by the President or the Archivist, pursuant to section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.), to close a meeting or any portion of a meeting and the reasons for such determination.

(7) Notices of future meetings of the Committee.

(h) MANNER OF DISCLOSURE.—

(1) WEBSITE PUBLICATION.—Except as provided in paragraph (2), the Archivist shall make the information required to be disclosed under this section available electronically on the official public website of the National Archives and Records Administration at least 15 calendar days before each meeting of the Committee. If the Archivist determines that such timing is not practicable for any required information, the Archivist shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the Committee.

(2) AVAILABILITY OF COMMITTEE MEETING.—The Archivist shall make available electronically, on the official public website of the National Archives and Records Administration, a transcript or audio or video recording of each Committee meeting not later than 30 calendar days after such meeting.

SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

H.R. 1211, the FOIA Oversight and Implementation Act, or FOIA Act, is a bipartisan bill approved unanimously by the House Oversight and Government Reform Committee last March. I cosponsored the legislation, which Ranking Member ELIJAH CUMMINGS authored.

The bill is a product of the joint effort by our staffs. The legislation has been endorsed by 29 nonpartisan transparency groups, including the Project On Government Oversight, known as POGO, Government in the Sunshine, the Sunlight Foundation, and the American Society of News Editors.

Mr. Speaker, it is critical at this time that the American people believe and actually receive the information that lets them understand what their government is doing.

A key provision of this bill is to codify requirements in a FOIA memorandum issued by President Obama and Attorney General Holder. This includes making the presumption of openness standard the law of the land. That means that an agency can only withhold information if the disclosure of such records would cause foreseeable harm. This shifts the burden of proof from the public requester seeking information about a government agency, with which he must now demonstrate that he has the need to the government being open and transparent, unless it has a good reason to withhold.

The FOIA Act of 2014 also requires an unprecedented level of proactive disclosure. That means that more information will be made available to the public without each individual interested in the information needing to file separate FOIA requests to get it.

Mr. Speaker, in plain English, if one person and then another person or one entity and another entity seem to want to have the same information, rather than the agencies possibly posting it publicly, they will be required to post it publicly, so that which a few agencies want to know or a few private organizations want to know, the entire public would have easy access. Another way of putting it is, if you are going to tell one person that it is reasonable to have public access, then all the public should have easy access to that information.

These proactive disclosure requirements are intended to make the information-sharing a routine part of government. Like the DATA Act passed earlier this year, which the House approved, the FOIA Act requires all information be posted in an electronic, publicly accessible format.

Raw data will be available as the original format so that it can be machine-searched and give the widest ability for the public to have not just access to the letters, but access to the meaning and the cross-meaning of this information.

Under this bill, more agencies will be using technology to increase transparency by processing FOIA requests through a centralized Web portal. Users will submit requests in one location, where agencies can automatically post their response. This kind of one-point access is something the public has long waited for from the Federal Government.

The legislation before the House today modestly amends the committee-reported bill by establishing an Open Government Advisory Committee, housed within the National Archives' Office of Government Information Services. The Open Government Advisory Committee will ensure that reform efforts continue after this bill is enacted.

Mr. Speaker, this amendment to the FOIA law is one of the most important additional accesses to the American people; and I might note with thanks that this is an initiative begun by this administration, by President Obama, that we believe should be there for all times.

With that, I reserve the balance of my time.

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

Mr. Speaker, I want to thank Chairman ISSA for sponsoring this bill with me. This bill, if enacted, would be a landmark reform of our most important open government law, the Freedom of Information Act.

This legislation would make significant improvements to the current law, which has not been consistently implemented.

During the Clinton administration, Attorney General Janet Reno adopted a policy under which the Department of Justice would defend an agency's use of a FOIA exemption only when the agency could reasonably foresee that disclosure would harm an interest protected by that exemption.

In the Bush administration, Attorney General John Ashcroft reversed this standard and directed the Justice Department to defend agency decisions to withhold records, as long as they had a legal basis for doing so.

President Obama, to his credit, on his first day in office, directed agencies to implement FOIA with a presumption of openness. Attorney General Holder overturned the Ashcroft standard and reinstated the foreseeable harm standard.

The legislation before us today would codify, in law, this presumption in favor of disclosure, no matter who is President.

Under this bill, an agency would not be allowed to withhold information in response to a FOIA request, unless disclosure is prohibited by law or would cause specific identifiable harm to an interest protected by one of FOIA's exemptions.

This bill also would create an advisory committee to make recommendations to improve government transparency. The President recently endorsed this idea in the Open Government National Action Plan issued by the administration in December of 2013.

This legislation also would create a pilot project to encourage participation in a centralized FOIA portal. A centralized portal, such as FOIAonline, that is run by EPA, allows requesters to use one Webcast to file requests to multiple agencies.

The bill also would strengthen the Office of Government Information

Services by enhancing its role in providing guidance to agencies and ensuring that agencies notify requesters of their right to use its mediation services.

The bill would strengthen the independence of this office by allowing it to send testimony and reports directly to Congress without approval from the Office of Management and Budget.

I urge every Member of this body to support this open government legislation by voting for it.

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

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

We don't often find in this body the kind of consensus behind something that, as the ranking member said, has gone both ways under different Presidents.

I am a proud Republican, but I believe that the order given by President Obama was the right order. The order given by President Bush, perhaps in light of 9/11, perhaps in light of other considerations, might have seemed right at the time.

But let me make something clear today: on our committee, there is unanimity. The American people must have access to all the information, unless there is a specific reason to withhold it.

This requirement under FOIA today will drive the DATA Act and other reforms that will cause information to be likely stored in formats that are easier for agencies to determine that which they must withhold. We think it is important.

Today, legions of people often spend countless hours redacting nothing more than one name or one Social Security number that cannot be found, except by a set of eyes scanning over it.

So, in addition to the American people getting what they are entitled to under this act, we believe that it will drive the kind of innovation automation that actually will save the American people money and cause more information to be available.

Just as census data is critical to our economy, so is access to what your government is doing, planning to do, or thought about, talked about, or did in the process of making laws, regulations, and rules.

So I join with my colleague in believing that this is a time in which we say this President acted properly in how he ordered something, we believe codifying it, so that no follow-on President could modify it or fail to deliver what this legislation envisions.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume, and I am about to close.

Again, I want to thank Chairman ISSA for his hard work on this. This is so very, very important.

I often tell my constituents, Mr. Speaker, that this is our watch. We are the guardians of the democracy today, and it is important to us to pass on a stronger and a better democracy than the one we found when we came upon this Earth.

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A significant part of any democracy is openness, where people can know what the government is doing. When you have a representative government, people come to the town hall meetings trying to find out what is going on, and now they can go to computers and find out what is going on. We must have as much openness as possible and as is reasonable, and I think that this is a big step in the right direction of preserving that part of the democracy that calls for transparency.

So I agree with the chairman. This is so much bigger than us. This is not just about this moment. This is about generations yet unborn. This is about people trying simply to be a part of their democracy, who are trying to understand it, who are trying to use information so that they can be participants in it. If they do not know what is going on, it is kind of hard to participate. If they do not know what is going on, it is kind of hard to go to their representatives to urge them to make appropriate changes.

So, with that, I urge all of the Members of this body to vote in favor of this legislation.

With that, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, as I close, I want to thank my partner in this legislation, Mr. CUMMINGS.

In order to get this kind of legislation, you do need to make sure that you have dotted the i's, and I believe we have done so. The minor modification that was made between the time it left the committee and the floor is one that was done on a bipartisan basis. Were this to go back to our committee, of course it would pass unanimously. Therefore, I urge all Members to vote ''yes'' on H.R. 1211—to support the bill, to support freedom, to support the opportunity for the American people to know.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 1211, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1232) to amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1236

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 ''Federal Information Technology Acquisition Reform Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) CHIEF ACQUISITION OFFICERS COUNCIL.—The term ''Chief Acquisition Officers Council'' means the Chief Acquisition Officers Council established by section 1311(a) of title 41, United States Code.

(2) CHIEF INFORMATION OFFICER.—The term ''Chief Information Officer'' means a Chief Information Officer (as designated under section 3506(a)(2) of title 44, United States Code) of an agency listed in section 901(b) of title 31, United States Code.

(3) CHIEF INFORMATION OFFICERS COUNCIL.—The term ''Chief Information Officers Council'' or ''CIO Council'' means the Chief Information Officers Council established by section 3603(a) of title 44, United States Code.

(4) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(5) FEDERAL AGENCY.—The term ''Federal agency'' means each agency listed in section 901(b) of title 31, United States Code.

(6) FEDERAL CHIEF INFORMATION OFFICER.—The term ''Federal Chief Information Officer'' means the Administrator of the Office of Electronic Government established under section 3602 of title 44, United States Code.

(7) INFORMATION TECHNOLOGY OR IT.—The term ''information technology'' or ''IT'' has the meaning provided in section 11101(6) of title 40, United States Code.

(8) RELEVANT CONGRESSIONAL COMMITTEES.—The term ''relevant congressional committees'' means each of the following:

(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

SEC. 101. INCREASED AUTHORITY OF AGENCY CHIEF INFORMATION OFFICERS OVER INFORMATION TECHNOLOGY.

(a) PRESIDENTIAL APPOINTMENT OF CIOS OF CERTAIN AGENCIES.—

(1) IN GENERAL.—Section 11315 of title 40, United States Code, is amended—

(A) by redesignating subsection (a) as subsection (e) and moving such subsection to the end of the section; and

(B) by inserting before subsection (b) the following new subsection (a):

''(a) PRESIDENTIAL APPOINTMENT OR DESIGNATION OF CERTAIN CHIEF INFORMATION OFFICERS.—

''(1) IN GENERAL.—There shall be within each agency listed in section 901(b)(1) of title 31 an agency Chief Information Officer. Each agency Chief Information Officer shall—

''(A)(i) be appointed by the President; or

''(ii) be designated by the President, in consultation with the head of the agency; and

''(B) be appointed or designated, as applicable, from among individuals who possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information technology management practices in large governmental or business entities.

''(2) RESPONSIBILITIES.—An agency Chief Information Officer appointed or designated under this section shall report directly to the head of the agency and carry out, on a full-time basis, responsibilities as set forth in this section and in section 3506(a) of title 44 for Chief Information Officers designated under paragraph (2) of such section.''.

(2) CONFORMING AMENDMENTS.—Section 3506(a)(2) of title 44, United States Code, is amended—

(A) by striking ''(A) Except as provided under subparagraph (B), the head of each agency'' and inserting ''The head of each agency, other than an agency with a Presidentially appointed or designated Chief Information Officer as provided in section 11315(a)(1) of title 40,''; and

(B) by striking subparagraph (B).

(b) AUTHORITY RELATING TO BUDGET AND PERSONNEL.—Section 11315 of title 40, United States Code, is further amended by inserting after subsection (c) the following new subsection:

''(d) ADDITIONAL AUTHORITIES FOR CERTAIN CIOS.—

''(1) BUDGET-RELATED AUTHORITY.—

''(A) PLANNING.—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5 shall ensure that the Chief Information Officer of the agency has the authority to participate in decisions regarding the budget planning process related to information technology or programs that include significant information technology components.

''(B) ALLOCATION.—Notwithstanding any other provision of law, amounts appropriated for any agency listed in section 901(b)(1) or 901(b)(2) of title 31 and in section 102 of title 5 for any fiscal year that are available for information technology shall be allocated within the agency, consistent with the provisions of appropriations Acts and budget guidelines and recommendations from the Director of the Office of Management and Budget, in such manner as specified by, or approved by, the Chief Information Officer of the agency in consultation with the Chief Financial Officer of the agency and budget officials.

''(2) PERSONNEL-RELATED AUTHORITY.—Notwithstanding any other provision of law, the head of each agency listed in section 901(b)(1) or 901(b)(2) of title 31 shall ensure that the Chief Information Officer of the agency has the authority necessary to approve the hiring of personnel who will have information technology responsibilities within the agency and to require that such personnel have the obligation to report to the Chief Information Officer in a manner considered sufficient by the Chief Information Officer.''.

(c) SINGLE CHIEF INFORMATION OFFICER IN EACH AGENCY.—

(1) REQUIREMENT.—Section 3506(a)(3) of title 44, United States Code, is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following new subparagraph:

''(B) Each agency shall have only one individual with the title and designation of 'Chief Information Officer'. Any bureau, office, or subordinate organization within the agency may designate one individual with the title 'Deputy Chief Information Officer', 'Associate Chief Information Officer', or 'Assistant Chief Information Officer'.''.

(2) EFFECTIVE DATE.—Section 3506(a)(3)(B) of title 44, United States Code, as added by paragraph (1), shall take effect as of October 1, 2014. Any individual serving in a position affected by such section before such date may continue in that position if the requirements of such section are fulfilled with respect to that individual.

SEC. 102. LEAD COORDINATION ROLE OF CHIEF INFORMATION OFFICERS COUNCIL.

(a) LEAD COORDINATION ROLE.—Subsection (d) of section 3603 of title 44, United States Code, is amended to read as follows:

''(d) LEAD INTERAGENCY FORUM.—

''(1) IN GENERAL.—The Council is designated the lead interagency forum for improving agency coordination of practices related to the design, development, modernization, use, operation, sharing, performance, and review of Federal Government information resources investment. As the lead interagency forum, the Council shall develop cross-agency portfolio management practices to allow and encourage the development of cross-agency shared services and shared platforms. The Council shall also issue guidelines and practices for infrastructure and common information technology applications, including expansion of the Federal Enterprise Architecture process if appropriate. The guidelines and practices may address broader transparency, common inputs, common outputs, and outcomes achieved. The guidelines and practices shall be used as a basis for comparing performance across diverse missions and operations in various agencies.

''(2) REPORT.—Not later than December 1 in each of the 6 years following the date of the enactment of this paragraph, the Council shall submit to the relevant congressional committees a report (to be known as the 'CIO Council Report') summarizing the Council's activities in the preceding fiscal year and containing such recommendations for further congressional action to fulfill its mission as the Council considers appropriate.

''(3) RELEVANT CONGRESSIONAL COMMITTEES.—For purposes of the report required by paragraph (2), the relevant congressional committees are each of the following:

''(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

''(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.''.

(b) ADDITIONAL FUNCTION.—Subsection (f) of section 3603 of such title is amended by adding at the end the following new paragraph:

''(8) Assist the Administrator in developing and providing guidance for effective operations of the Federal Infrastructure and Common Application Collaboration Center authorized under section 11501 of title 40.''.

(c) REFERENCES TO ADMINISTRATOR OF E-GOVERNMENT AS FEDERAL CHIEF INFORMATION OFFICER.—

(1) REFERENCES.—Section 3602(b) of title 44, United States Code, is amended by adding at the end the following: ''The Administrator may also be referred to as the Federal Chief Information Officer.''.

(2) DEFINITION.—Section 3601(1) of such title is amended by inserting ''or Federal Chief Information Officer'' before ''means''.

SEC. 103. REPORTS BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REQUIREMENT TO EXAMINE EFFECTIVENESS.—The Comptroller General of the United States shall examine the effectiveness of the Chief Information Officers Council in meeting its responsibilities under section 3603(d) of title 44, United States Code, as added by section 102, with particular focus on—

(1) whether agencies are actively participating in the Council and heeding the Council's advice and guidance; and

(2) whether the Council is actively using and developing the capabilities of the Federal Infrastructure and Common Application Collaboration Center authorized under section 11501 of title 40, United States Code, as added by section 401.

(b) REPORTS.—Not later than 1 year, 3 years, and 5 years after the date of the enactment of this Act, the Comptroller General shall submit to the relevant congressional committees a report containing the findings and recommendations of the Comptroller General from the examination required by subsection (a).

TITLE II—DATA CENTER OPTIMIZATION

SEC. 201. PURPOSE.

The purpose of this title is to optimize Federal data center usage and efficiency.

SEC. 202. DEFINITIONS.

In this title:

(1) FEDERAL DATA CENTER OPTIMIZATION INITIATIVE.—The term ''Federal Data Center Optimization Initiative'' or the ''Initiative'' means the initiative developed and implemented by the Director, through the Federal Chief Information Officer, as required under section 203.

(2) COVERED AGENCY.—The term ''covered agency'' means any agency included in the Federal Data Center Optimization Initiative.

(3) DATA CENTER.—The term ''data center'' means a closet, room, floor, or building for the storage, management, and dissemination of data and information, as defined by the Federal Chief Information Officer under guidance issued pursuant to this section.

(4) FEDERAL DATA CENTER.—The term ''Federal data center'' means any data center of a covered agency used or operated by a covered agency, by a contractor of a covered agency, or by another organization on behalf of a covered agency.

(5) SERVER UTILIZATION.—The term ''server utilization'' refers to the activity level of a server relative to its maximum activity level, expressed as a percentage.

(6) POWER USAGE EFFECTIVENESS.—The term ''power usage effectiveness'' means the ratio obtained by dividing the total amount of electricity and other power consumed in running a data center by the power consumed by the information and communications technology in the data center.

SEC. 203. FEDERAL DATA CENTER OPTIMIZATION INITIATIVE.

(a) REQUIREMENT FOR INITIATIVE.—The Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, shall develop and implement an initiative, to be known as the Federal Data Center Optimization Initiative, to optimize the usage and efficiency of Federal data centers by meeting the requirements of this Act and taking additional measures, as appropriate.

(b) REQUIREMENT FOR PLAN.—Within 6 months after the date of the enactment of this Act, the Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, shall develop and submit to Congress a plan for implementation of the Initiative required by subsection (a) by each covered agency. In developing the plan, the Federal Chief Information Officer shall take into account the findings and recommendations of the Comptroller General review required by section 205(e).

(c) MATTERS COVERED.—The plan shall include—

(1) descriptions of how covered agencies will use reductions in floor space, energy use, infrastructure, equipment, applications, personnel, increases in multiorganizational use, server virtualization, cloud computing, and other appropriate methods to meet the requirements of the initiative; and

(2) appropriate consideration of shifting Federally owned data center workload to commercially owned data centers.

SEC. 204. PERFORMANCE REQUIREMENTS RELATED TO DATA CENTER CONSOLIDATION.

(a) SERVER UTILIZATION.—Each covered agency may use the following methods to achieve the maximum server utilization possible as determined by the Federal Chief Information Officer:

(1) The closing of existing data centers that lack adequate server utilization, as determined by the Federal Chief Information Officer. If the agency fails to close such data centers, the agency shall provide a detailed explanation as to why this data center should remain in use as part of the submitted plan. The Federal Chief Information Officer shall include an assessment of the agency explanation in the annual report to Congress.

(2) The consolidation of services within existing data centers to increase server utilization rates.

(3) Any other method that the Federal Chief Information Officer, in consultation with the chief information officers of covered agencies, determines necessary to optimize server utilization.

(b) POWER USAGE EFFECTIVENESS.—Each covered agency may use the following methods to achieve the maximum energy efficiency possible as determined by the Federal Chief Information Officer:

(1) The use of the measurement of power usage effectiveness to calculate data center energy efficiency.

(2) The use of power meters in facilities dedicated to data center operations to frequently measure power consumption over time.

(3) The establishment of power usage effectiveness goals for each data center.

(4) The adoption of best practices for managing—

(A) temperature and airflow in facilities dedicated to data center operations; and

(B) power supply efficiency.

(5) The implementation of any other method that the Federal Chief Information Officer, in consultation with the Chief Information Officers of covered agencies, determines necessary to optimize data center energy efficiency.

SEC. 205. COST SAVINGS RELATED TO DATA CENTER OPTIMIZATION.

(a) REQUIREMENT TO TRACK COSTS.—

(1) IN GENERAL.—Each covered agency shall track costs resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those costs annually to the Federal Chief Information Officer. Covered agencies shall determine the net costs from data consolidation on an annual basis.

(2) FACTORS.—In calculating net costs each year under paragraph (1), a covered agency shall use the following factors:

(A) Energy costs.

(B) Personnel costs.

(C) Real estate costs.

(D) Capital expense costs.

(E) Maintenance and support costs such as operating subsystem, database, hardware, and software license expense costs.

(F) Other appropriate costs, as determined by the agency in consultation with the Federal Chief Information Officer.

(b) REQUIREMENT TO TRACK SAVINGS.—

(1) IN GENERAL.—Each covered agency shall track realized and projected savings resulting from implementation of the Federal Data Center Optimization Initiative within the agency and submit a report on those savings annually to the Federal Chief Information Officer. Covered agencies shall determine the net savings from data consolidation on an annual basis.

(2) FACTORS.—In calculating net savings each year under paragraph (1), a covered agency shall use the following factors:

(A) Energy savings.

(B) Personnel savings.

(C) Real estate savings.

(D) Capital expense savings.

(E) Maintenance and support savings such as operating subsystem, database, hardware, and software license expense savings.

(F) Other appropriate savings, as determined by the agency in consultation with the Federal Chief Information Officer.

(3) PUBLIC AVAILABILITY.—The Federal Chief Information Officer shall make publicly available a summary of realized and projected savings for each covered agency. The Federal Chief Information Officer shall identify any covered agency that failed to provide the annual report required under paragraph (1).

(c) REQUIREMENT TO USE COST-EFFECTIVE MEASURES.—Covered agencies shall use the most cost-effective measures to implement the Federal Data Center Optimization Initiative, such as using estimation to measure or track costs and savings using a methodology approved by the Federal Chief Information Officer.

(d) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall examine methods for calculating savings from the Initiative and using them for the purposes identified in subsection (d), including establishment and use of a special revolving fund that supports data centers and server optimization, and shall submit to the Federal Chief Information Officer and Congress a report on the Comptroller General's findings and recommendations.

SEC. 206. REPORTING REQUIREMENTS TO CONGRESS AND THE FEDERAL CHIEF INFORMATION OFFICER.

(a) AGENCY REQUIREMENT TO REPORT TO CIO.—

(1) IN GENERAL.—Except as provided in paragraph (2), each covered agency each year shall submit to the Federal Chief Information Officer a report on the implementation of the Federal Data Center Optimization Initiative, including savings resulting from such implementation. The report shall include an update of the agency's plan for implementing the Initiative.

(2) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall comply with paragraph (1) each year by submitting to the Federal Chief Information Officer a report with relevant information collected under section 2867 of Public Law 112–81 (10 U.S.C 2223a note) or a copy of the report required under section 2867(d) of such law.

(b) FEDERAL CHIEF INFORMATION OFFICER REQUIREMENT TO REPORT TO CONGRESS.—Each year, the Federal Chief Information Officer shall submit to the relevant congressional committees a report that assesses agency progress in carrying out the Federal Data Center Optimization Initiative and updates the plan under section 203. The report may be included as part of the annual report required under section 3606 of title 44, United States Code.

TITLE III—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

SEC. 301. INVENTORY OF INFORMATION TECHNOLOGY SOFTWARE ASSETS.

(a) PLAN.—The Director shall develop a plan for conducting a Governmentwide inventory of information technology software assets.

(b) MATTERS COVERED.—The plan required by subsection (a) shall cover the following:

(1) The manner in which Federal agencies can achieve the greatest possible economies of scale and cost savings in the procurement of information technology software assets, through measures such as reducing the procurement of new software licenses until such time as agency needs exceed the number of existing and unused licenses.

(2) The capability to conduct ongoing Governmentwide inventories of all existing software licenses on an application-by-application basis, including duplicative, unused, overused, and underused licenses, and to assess the need of agencies for software licenses.

(3) A Governmentwide spending analysis to provide knowledge about how much is being spent for software products or services to support decisions for strategic sourcing under the Federal strategic sourcing program managed by the Office of Federal Procurement Policy.

(c) AVAILABILITY.—The inventory of information technology software assets shall be available to Chief Information Officers and such other Federal officials as the Chief Information Officers may, in consultation with the Chief Information Officers Council, designate.

(d) DEADLINE AND SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Director shall complete and submit to Congress the plan required by subsection (a).

(e) IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Director shall complete implementation of the plan required by subsection (a).

(f) REVIEW BY COMPTROLLER GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall review the plan required by subsection (a) and submit to the relevant congressional committees a report on the review.

SEC. 302. WEBSITE CONSOLIDATION AND TRANSPARENCY.

(a) WEBSITE CONSOLIDATION.—The Director shall—

(1) in consultation with Federal agencies, and after reviewing the directory of public Federal Government websites of each agency (as required to be established and updated under section 207(f)(3) of the E-Government Act of 2002 (Public Law 107–347; 44 U.S.C. 3501 note)), assess all the publicly available websites of Federal agencies to determine whether there are duplicative or overlapping websites; and

(2) require Federal agencies to eliminate or consolidate those websites that are duplicative or overlapping.

(b) WEBSITE TRANSPARENCY.—The Director shall issue guidance to Federal agencies to ensure that the data on publicly available websites of the agencies are open and accessible to the public.

(c) MATTERS COVERED.—In preparing the guidance required by subsection (b), the Director shall—

(1) develop guidelines, standards, and best practices for interoperability and transparency;

(2) identify interfaces that provide for shared, open solutions on the publicly available websites of the agencies; and

(3) ensure that Federal agency Internet home pages, web-based forms, and web-based applications are accessible to individuals with disabilities in conformance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(d) DEADLINE FOR GUIDANCE.—The guidance required by subsection (b) shall be issued not later than 180 days after the date of the enactment of this Act.

SEC. 303. TRANSITION TO THE CLOUD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that transition to cloud computing offers significant potential benefits for the implementation of Federal information technology projects in terms of flexibility, cost, and operational benefits.

(b) GOVERNMENTWIDE APPLICATION.—In assessing cloud computing opportunities, the Chief Information Officers Council shall define policies and guidelines for the adoption of Governmentwide programs providing for a standardized approach to security assessment and operational authorization for cloud products and services.

(c) ADDITIONAL BUDGET AUTHORITIES FOR TRANSITION.—In transitioning to the cloud, a Chief Information Officer of an agency listed in section 901(b) of title 31, United States Code, may establish such cloud service Working Capital Funds, in consultation with the Chief Financial Officer of the agency, as may be necessary to transition to cloud-based solutions. Any establishment of a new Working Capital Fund under this subsection shall be reported to the Committees on Appropriations of the House of Representatives and the Senate and relevant Congressional committees.

SEC. 304. ELIMINATION OF UNNECESSARY DUPLICATION OF CONTRACTS BY REQUIRING BUSINESS CASE ANALYSIS.

(a) PURPOSE.—The purpose of this section is to leverage the Government's buying power and achieve administrative efficiencies and cost savings by eliminating unnecessary duplication of contracts.

(b) REQUIREMENT FOR BUSINESS CASE APPROVAL.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

"§ 3312. Requirement for business case approval for new Governmentwide contracts.

''(a) IN GENERAL.—An executive agency may not issue a solicitation for a covered Governmentwide contract unless the agency performs a business case analysis for the contract and obtains an approval of the business case analysis from the Administrator for Federal Procurement Policy.

''(b) REVIEW OF BUSINESS CASE ANALYSIS.—

''(1) IN GENERAL.—With respect to any covered Governmentwide contract, the Administrator for Federal Procurement Policy shall review the business case analysis submitted for the contract and provide an approval or disapproval within 60 days after the date of submission. Any business case analysis not disapproved within such 60-day period is deemed to be approved.

''(2) BASIS FOR APPROVAL OF BUSINESS CASE.—The Administrator for Federal Procurement Policy shall approve or disapprove a business case analysis based on the adequacy of the analysis submitted. The Administrator shall give primary consideration to whether an agency has demonstrated a compelling need that cannot be satisfied by existing Governmentwide contract in a timely and cost-effective manner.

''(c) CONTENT OF BUSINESS CASE ANALYSIS.—The Administrator for Federal Procurement Policy shall issue guidance specifying the content for a business case analysis submitted pursuant to this section. At a minimum, the business case analysis shall include details on the administrative resources needed for such contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract and the impact such contract will have on the ability of the Federal Government to leverage its purchasing power.

''(b) DEFINITIONS.—In this section:

''(1) COVERED GOVERNMENTWIDE CONTRACT.—The term 'covered Governmentwide contract' means any contract, blanket purchase agreement, or other contractual instrument for acquisition of information technology or other goods or services that allows for an indefinite number of orders to be placed under the contract, agreement, or instrument, and that is established by one executive agency for use by multiple executive agencies to obtain goods or services. The term does not include—

''(A) a multiple award schedule contract awarded by the General Services Administration;

''(B) a Governmentwide acquisition contract for information technology awarded pursuant to sections 11302(e) and 11314(a)(2) of title 40;

''(C) orders under Governmentwide contracts in existence before the effective date of this section; or

''(D) any contract in an amount less than $10,000,000, determined on an average annual basis.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning provided that term by section 105 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 41, United States Code, is amended by adding after the item relating to section 3311 the following new item:

''3312. Requirement for business case approval for new Governmentwide contracts.''.

(c) REPORT.—Not later than June 1 in each of the next 6 years following the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the relevant congressional committees a report on the implementation of section 3312 of title 41, United States Code, as added by subsection (b), including a summary of the submissions, reviews, approvals, and disapprovals of business case analyses pursuant to such section.

(d) GUIDANCE.—The Administrator for Federal Procurement Policy shall issue guidance for implementing section 3312 of such title.

(e) REVISION OF FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to implement section 3312 of such title.

(g) EFFECTIVE DATE.—Section 3312 of such title is effective on and after 180 days after the date of the enactment of this Act.

TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

Subtitle A—Strengthening and Streamlining IT Program Management Practices

SEC. 401. PILOT PROGRAM ON INTERAGENCY COLLABORATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—Chapter 115 of title 40, United States Code, is amended to read as follows:

"CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

"§ 11501. Pilot program on interagency collaboration

''(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Director of the Office of Management and Budget shall conduct a three-year pilot program in accordance with the requirements of this section to test alternative approaches for the management of commonly used information technology by executive agencies.

''(b) ESTABLISHMENT AND PURPOSES.—For purposes of the pilot program, the Director of the Office of Management and Budget shall establish a Federal Infrastructure and Common Application Collaboration Center

(hereafter in this section referred to as the 'Collaboration Center') within the Office of Electronic Government established under section 3602 of title 44. The purpose of the Collaboration Center is to serve as a resource for Federal agencies, available on an optional-use basis, to assist and promote coordinated program management practices and to develop and maintain requirements for the acquisition of IT infrastructure and common applications commonly used by various Federal agencies.

''(c) ORGANIZATION OF CENTER.—

''(1) MEMBERSHIP.—The Center shall consist of the following members:

''(A) An appropriate number, as determined by the CIO Council, but not less than 12, full-time program managers or cost specialists, all of whom have appropriate experience in the private or Government sector in managing or overseeing acquisitions of IT infrastructure and common applications.

''(B) At least 1 full-time detailee from each of the Federal agencies listed in section 901(b) of title 31, nominated by the respective agency chief information officer for a detail period of not less than 1 year.

''(2) WORKING GROUPS.—The Collaboration Center shall have working groups that specialize in IT infrastructure and common applications identified by the CIO Council. Each working group shall be headed by a separate dedicated program manager appointed by the Federal Chief Information Officer.

''(d) CAPABILITIES AND FUNCTIONS OF THE COLLABORATION CENTER.—For each of the IT infrastructure and common application areas identified by the CIO Council, the Collaboration Center shall perform the following roles, and any other functions as directed by the Federal Chief Information Officer:

''(1) Develop, maintain, and disseminate requirements suitable to establish contracts that will meet the common and general needs of various Federal agencies as determined by the Center. In doing so, the Center shall give maximum consideration to the adoption of commercial standards and industry acquisition best practices, including opportunities for shared services, consideration of total cost of ownership, preference for industry-neutral functional specifications leveraging open industry standards and competition, and use of long-term contracts, as appropriate.

''(2) Develop, maintain, and disseminate reliable cost estimates.

''(3) Lead the review of significant or troubled IT investments or acquisitions as identified by the CIO Council.

''(4) Provide expert aid to troubled IT investments or acquisitions.

''(e) GUIDANCE.—The Director, in consultation with the Chief Information Officers Council, shall issue guidance addressing the scope and operation of the Collaboration Center. The guidance shall require that the collaboration Center report to the Federal Chief Information Officer.

''(f) REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Director shall annually submit to the relevant congressional committees a report detailing the organization, staff, and activities of the Collaboration Center, including—

''(A) a list of IT infrastructure and common applications the Center assisted;

''(B) an assessment of the Center's achievement in promoting efficiency, shared services, and elimination of unnecessary Government requirements that are contrary to commercial best practices; and

''(C) the use and expenditure of amounts in the Fund established under subsection (i).

''(2) INCLUSION IN OTHER REPORT.—The report may be included as part of the annual E-Government status report required under section 3606 of title 44.

''(g) GUIDELINES FOR ACQUISITION OF IT INFRASTRUCTURE AND COMMON APPLICATIONS.—

''(1) GUIDELINES.—The Collaboration Center shall establish guidelines that, to the maximum extent possible, eliminate inconsistent practices among executive agencies and ensure uniformity and consistency in acquisition processes for IT infrastructure and common applications across the Federal Government.

''(2) CENTRAL WEBSITE.—In preparing the guidelines, the Collaboration Center, in consultation with the Chief Acquisition Officers Council, shall offer executive agencies the option of accessing a central website for best practices, templates, and other relevant information.

''(h) PRICING TRANSPARENCY.—The Collaboration Center, in collaboration with the Office of Federal Procurement Policy, the Chief Acquisition Officers Council, the General Services Administration, and the Assisted Acquisition Centers of Excellence, shall compile a price list and catalogue containing current pricing information by vendor for each of its IT infrastructure and common applications categories. The price catalogue shall contain any price provided by a vendor in a contract awarded for the same or similar good or service to any executive agency. The catalogue shall be developed in a fashion ensuring that it may be used for pricing comparisons and pricing analysis using standard data formats. The price catalogue shall not be made public, but shall be accessible to executive agencies.

''(i) AUTHORIZATION TO USE FUND.—In any fiscal year, notwithstanding section 321(c) of title 40, up to five percent of the fees collected during the prior fiscal year under the multiple award schedule contracts entered into by the Administrator of General Services and credited to the Acquisition Services Fund under section 321 of title 40, may be used to fund the activities of the Collaboration Center. Each fiscal year, the Director, in consultation with the Federal Chief Information Officer, shall determine an appropriate amount needed to operate the Collaboration Center and the Administrator of General Services shall transfer amounts only to the extent and in such amounts as are provided in advance in appropriation acts from the Fund to the Director for the Center.

''(j) DEFINITIONS.—In this section:

''(1) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning provided that term by section 105 of title 5.

''(2) FEDERAL CHIEF INFORMATION OFFICER.—The term 'Federal Chief Information Officer' means the Administrator of the Office of Electronic Government established under section 3602 of title 44.

''(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' means each of the following:

''(A) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

''(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.''.

(2) CLERICAL AMENDMENT.—The item relating to chapter 115 in the table of chapters at the beginning of subtitle III of title 40, United States Code, is amended to read as follows:

''115. Information Technology Acquisition Management Practices ..... 11501''.

(b) DEADLINES.—

(1) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director shall issue guidance under section 11501(e) of title 40, United States Code, as added by subsection (a).

(2) CENTER.—Not later than 1 year after the date of the enactment of this Act, the Director shall establish the Federal Infrastructure and Common Application Collaboration Center, in accordance with section 11501(b) of such title, as so added.

(3) GUIDELINES.—Not later than 2 years after the date of the enactment of this Act, the Federal Infrastructure and Common Application Collaboration Center shall establish guidelines in accordance with section 11501(g) of such title, as so added.

(c) CONFORMING AMENDMENT.—Section 3602(c) of title 44, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) all of the functions of the Federal Infrastructure and Common Application Collaboration Center, as required under section 11501 of title 40; and''.

SEC. 402. DESIGNATION OF ASSISTED ACQUISITION CENTERS OF EXCELLENCE.

(a) DESIGNATION.—Chapter 115 of title 40, United States Code, as amended by section 401, is further amended by adding at the end the following new section:

''SEC. 11502. ASSISTED ACQUISITION CENTERS OF EXCELLENCE.

''(a) PURPOSE.—The purpose of this section is to develop specialized assisted acquisition centers of excellence within the Federal Government to serve as a resource for Federal agencies, available on an optional-use basis, to assist and promote—

''(1) the effective use of best acquisition practices;

''(2) the development of specialized expertise in the acquisition of information technology; and

''(3) Governmentwide sharing of acquisition capability to augment any shortage in the information technology acquisition workforce.

''(b) DESIGNATION OF AACEs.—Not later than 1 year after the date of the enactment of this section, and every 3 years thereafter, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Information Officers Council, shall designate, redesignate, or withdraw the designation of acquisition centers of excellence within various executive agencies to carry out the functions set forth in subsection (d) in an area of specialized acquisition expertise as determined by the Director. Each such center of excellence shall be known as an 'Assisted Acquisition Center of Excellence' or an 'AACE'.

''(c) USE OF EXISTING AUTHORITY.—This section provides no new authority to establish a franchise fund or revolving fund.

''(d) FUNCTIONS.—The functions of each AACE are as follows:

''(1) BEST PRACTICES.—To promote, develop, and implement the use of best acquisition practices in the area of specialized acquisition expertise that the AACE is designated to carry out by the Director under subsection (b).

''(2) ASSISTED ACQUISITIONS.—To assist all Government agencies in the expedient, strategic, and cost-effective acquisition of the information technology goods or services covered by such area of specialized acquisition expertise by engaging in repeated and frequent acquisition of similar information technology requirements.

''(3) DEVELOPMENT AND TRAINING OF IT ACQUISITION WORKFORCE.—To assist in recruiting and training IT acquisition cadres (referred to in section 1704(j) of title 41).

''(e) CRITERIA.—In designating, redesignating, or withdrawing the designation of an AACE, the Director shall consider, at a minimum, the following matters:

''(1) The subject matter expertise of the host agency in a specific area of information technology acquisition.

''(2) For acquisitions of IT infrastructure and common applications covered by the Federal Infrastructure and Common Application Collaboration Center authorized under section 11501 of this title, the ability and willingness to collaborate with the Collaboration Center and adhere to the requirements standards established by the Collaboration Center.

''(3) The ability of an AACE to develop customized requirements documents that meet the needs of executive agencies as well as the current industry standards and commercial best practices.

''(4) The ability of an AACE to consistently award and manage various contracts, task or delivery orders, and other acquisition arrangements in a timely, cost-effective, and compliant manner.

''(5) The ability of an AACE to aggregate demands from multiple executive agencies for similar information technology goods or services and fulfill those demands in one acquisition.

''(6) The ability of an AACE to acquire innovative or emerging commercial and noncommercial technologies using various contracting methods, including ways to lower the entry barriers for small businesses with limited Government contracting experiences.

''(7) The ability of an AACE to maximize commercial item acquisition, effectively manage high-risk contract types, increase competition, promote small business participation, and maximize use of available Governmentwide contracts.

''(8) The existence of an in-house cost estimating group with expertise to consistently develop reliable cost estimates that are accurate, comprehensive, well-documented, and credible.

''(9) The ability of an AACE to employ best practices and educate requesting agencies, to the maximum extent practicable, regarding critical factors underlying successful major IT acquisitions, including the following factors:

''(A) Active engagement by program officials with stakeholders.

''(B) Possession by program staff of the necessary knowledge and skills.

''(C) Support of the programs by senior department and agency executives.

''(D) Involvement by end users and stakeholders in the development of requirements.

''(E) Participation by end users in testing of system functionality prior to formal end user acceptance testing.

''(F) Stability and consistency of Government and contractor staff.

''(G) Prioritization of requirements by program staff.

''(H) Maintenance of regular communication with the prime contractor by program officials.

''(I) Receipt of sufficient funding by programs.

''(10) The ability of an AACE to run an effective acquisition intern program in collaboration with the Federal Acquisition Institute or the Defense Acquisition University.

''(11) The ability of an AACE to effectively and properly manage fees received for assisted acquisitions pursuant to this section.

''(f) FUNDS RECEIVED BY AACES.—

''(1) AVAILABILITY.—Notwithstanding any other provision of law or regulation, funds obligated and transferred from an executive agency in a fiscal year to an AACE for the acquisition of goods or services covered by an area of specialized acquisition expertise of an AACE, regardless of whether the requirements are severable or non-severable, shall remain available for awards of contracts by the AACE for the same general requirements for the next 5 fiscal years following the fiscal year in which the funds were transferred.

''(2) TRANSITION TO NEW AACE.—If the AACE to which the funds are provided under paragraph (1) becomes unable to fulfill the requirements of the executive agency from which the funds were provided, the funds may be provided to a different AACE to fulfill such requirements. The funds so provided shall be used for the same purpose and remain available for the same period of time as applied when provided to the original AACE.

''(3) RELATIONSHIP TO EXISTING AUTHORITIES.—This subsection does not limit any existing authorities an AACE may have under its revolving or working capital funds authorities.

''(g) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF AACE.—

''(1) REVIEW.—The Comptroller General of the United States shall review and assess—

''(A) the use and management of fees received by the AACEs pursuant to this section to ensure that an appropriate fee structure is established and enforced to cover activities addressed in this section and that no excess fees are charged or retained; and

''(B) the effectiveness of the AACEs in achieving the purpose described in subsection (a), including review of contracts.

''(2) REPORTS.—Not later than 1 year after the designation or redesignation of AACES under subsection (b), the Comptroller General shall submit to the relevant congressional committees a report containing the findings and assessment under paragraph (1).

''(h) DEFINITIONS.—In this section:

''(1) ASSISTED ACQUISITION.—The term 'assisted acquisition' means a type of interagency acquisition in which the parties enter into an interagency agreement pursuant to which—

''(A) the servicing agency performs acquisition activities on the requesting agency's behalf, such as awarding, administering, or closing out a contract, task order, delivery order, or blanket purchase agreement; and

''(B) funding is provided through a franchise fund, the Acquisition Services Fund in section 321 of this title, sections 1535 and 1536 of title 31, or other available methods.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning provided that term by section 133 of title 41.

''(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term 'relevant congressional committees' has the meaning provided that term by section 11501 of this title.

''(i) REVISION OF FAR.—The Federal Acquisition Regulation shall be amended to implement this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 40, United States Code, as amended by section 401, is further amended by adding at the end the following new item:

''11502. Assisted Acquisition Centers of Excellence.''.

Subtitle B—Strengthening IT Acquisition Workforce

SEC. 411. EXPANSION OF TRAINING AND USE OF INFORMATION TECHNOLOGY ACQUISITION CADRES.

(a) PURPOSE.—The purpose of this section is to ensure timely progress by Federal agencies toward developing, strengthening, and deploying personnel with highly specialized skills in information technology acquisition, including program and project managers, to be known as information technology acquisition cadres.

(b) REPORT TO CONGRESS.—Section 1704 of title 41, United States Code, is amended by adding at the end the following new subsection:

''(j) STRATEGIC PLAN ON INFORMATION TECHNOLOGY ACQUISITION CADRES.—

''(1) FIVE-YEAR STRATEGIC PLAN TO CONGRESS.—Not later than June 1 following the date of the enactment of this subsection, the Director shall submit to the relevant congressional committees a 5-year strategic plan (to be known as the 'IT Acquisition Cadres Strategic Plan') to develop, strengthen, and solidify information technology acquisition cadres. The plan shall include a timeline for implementation of the plan and identification of individuals responsible for specific elements of the plan during the 5-year period covered by the plan.

''(2) MATTERS COVERED.—The plan shall address, at a minimum, the following matters:

''(A) Current information technology acquisition staffing challenges in Federal agencies, by previous year's information technology acquisition value, and by the Federal Government as a whole.

''(B) The variety and complexity of information technology acquisitions conducted by each Federal agency covered by the plan, and the specialized information technology acquisition workforce needed to effectively carry out such acquisitions.

''(C) The development of a sustainable funding model to support efforts to hire, retain, and train an information technology acquisition cadre of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of interagency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

''(D) Any strategic human capital planning necessary to hire, retain, and train an information acquisition cadre of appropriate size and skill at each Federal agency covered by the plan.

''(E) Governmentwide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal information technology acquisition cadre within the Federal agencies covered by the plan.

''(F) New and innovative approaches to workforce development and training, including cross-functional training, rotational development, and assignments both within and outside the Government.

''(G) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, Assisted Acquisition Centers of Excellence, and acquisition intern programs.

''(H) Assessment of the current workforce competency and usage trends in evaluation technique to obtain best value, including proper handling of tradeoffs between price and nonprice factors.

''(I) Assessment of the current workforce competency in designing and aligning performance goals, life cycle costs, and contract incentives.

''(J) Assessment of the current workforce competency in avoiding brand-name preference and using industry-neutral functional specifications to leverage open industry standards and competition.

''(K) Use of integrated program teams, including fully dedicated program managers, for each complex information technology investment.

''(L) Proper assignment of recognition or accountability to the members of an integrated program team for both individual functional goals and overall program success or failure.

''(M) The development of a technology fellows program that includes provisions for recruiting, for rotation of assignments, and for partnering directly with universities with well-recognized information technology programs.

''(N) The capability to properly manage other transaction authority (where such authority is granted), including ensuring that the use of the authority is warranted due to unique technical challenges, rapid adoption of innovative or emerging commercial or noncommercial technologies, or other circumstances that cannot readily be satisfied using a contract, grant, or cooperative agreement in accordance with applicable law and the Federal Acquisition Regulation.

''(O) The use of student internship and scholarship programs as a talent pool for permanent hires and the use and impact of special hiring authorities and flexibilities to recruit diverse candidates.

''(P) The assessment of hiring manager satisfaction with the hiring process and hiring outcomes, including satisfaction with the quality of applicants interviewed and hires made.

''(Q) The assessment of applicant satisfaction with the hiring process, including the clarity of the hiring announcement, the user-friendliness of the application process, communication from the hiring manager or agency regarding application status, and timeliness of the hiring decision.

''(R) The assessment of new hire satisfaction with the onboarding process, including the orientation process, and investment in training and development for employees during their first year of employment.

''(S) Any other matters the Director considers appropriate.

''(3) ANNUAL REPORT.—Not later than June 1 in each of the 5 years following the year of submission of the plan required by paragraph (1), the Director shall submit to the relevant congressional committees an annual report outlining the progress made pursuant to the plan.

''(4) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF THE PLAN AND ANNUAL REPORT.—

''(A) Not later than 1 year after the submission of the plan required by paragraph (1), the Comptroller General of the United States shall review the plan and submit to the relevant congressional committees a report on the review.

''(B) Not later than 6 months after the submission of the first, third, and fifth annual report required under paragraph (3), the Comptroller General shall independently assess the findings of the annual report and brief the relevant congressional committees on the Comptroller General's findings and recommendations to ensure the objectives of the plan are accomplished.

''(5) DEFINITIONS.—In this subsection:

''(A) The term 'Federal agency' means each agency listed in section 901(b) of title 31.

''(B) The term 'relevant congressional committees' means each of the following:

''(i) The Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives.

''(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.''.

SEC. 412. PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.

(a) PLAN ON STRENGTHENING PROGRAM AND PROJECT MANAGEMENT PERFORMANCE.—Not later than June 1 following the date of the enactment of this Act, the Director, in consultation with the Director of the Office of Personnel Management, shall submit to the relevant congressional committees a plan for improving management of IT programs and projects.

(b) MATTERS COVERED.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Creation of a specialized career path for program management.

(2) The development of a competency model for program management consistent with the IT project manager model.

(3) A career advancement model that requires appropriate expertise and experience for advancement.

(4) A career advancement model that is more competitive with the private sector and that recognizes both Government and private sector experience.

(5) Appropriate consideration and alignment with the needs and priorities of the Infrastructure and Common Application Collaboration Center, the Assisted Acquisition Centers of Excellence, and acquisition intern programs.

(c) COMBINATION WITH OTHER CADRES PLAN.—The Director may combine the plan required by subsection (a) with the IT Acquisition Cadres Strategic Plan required under section 1704(j) of title 41, United States Code, as added by section 411.

SEC. 413. PERSONNEL AWARDS FOR EXCELLENCE IN THE ACQUISITION OF INFORMATION SYSTEMS AND INFORMATION TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Personnel Management shall develop policy and guidance for agencies to develop a program to recognize excellent performance by Federal Government employees and teams of such employees in the acquisition of information systems and information technology for the agency.

(b) ELEMENTS.—The program referred to in subsection (a) shall, to the extent practicable—

(1) obtain objective outcome measures; and

(2) include procedures for—

(A) the nomination of Federal Government employees and teams of such employees for eligibility for recognition under the program; and

(B) the evaluation of nominations for recognition under the program by 1 or more agency panels of individuals from Government, academia, and the private sector who have such expertise, and are appointed in such a manner, as the Director of the Office of Personal Management shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES AND OTHER INCENTIVES.—In carrying out the program referred to in subsection (a), the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall establish policies and guidance for agencies to reward any Federal Government employee or teams of such employees recognized pursuant to the program—

(1) with a cash bonus, to the extent that the performance of such individual or team warrants the award of such bonus and is authorized by any provision of law;

(2) through promotions and other nonmonetary awards;

(3) by publicizing—

(A) acquisition accomplishments by individual employees; and

(B) the tangible end benefits that resulted from such accomplishments, as appropriate; and

(4) through other awards, incentives, or bonuses that the head of the agency considers appropriate.

TITLE V—ADDITIONAL REFORMS

SEC. 501. MAXIMIZING THE BENEFIT OF THE FEDERAL STRATEGIC SOURCING INITIATIVE.

Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall prescribe regulations providing that when the Federal Government makes a purchase of services and supplies offered under the Federal Strategic Sourcing Initiative (managed by the Office of Federal Procurement Policy) but such Initiative is not used, the contract file for the purchase shall include a brief analysis of the comparative value, including price and nonprice factors, between the services and supplies offered under such Initiative and services and supplies offered under the source or sources used for the purchase.

SEC. 502. GOVERNMENTWIDE SOFTWARE PURCHASING PROGRAM.

(a) IN GENERAL.—The Administrator of General Services, in collaboration with the Department of Defense, shall identify and develop a strategic sourcing initiative to enhance Governmentwide acquisition, shared use, and dissemination of software, as well as compliance with end user license agreements.

(b) EXAMINATION OF METHODS.—In developing the initiative under subsection (a), the Administrator shall examine the use of realistic and effective demand aggregation models supported by actual agency commitment to use the models, and supplier relationship management practices, to more effectively govern the Government's acquisition of information technology.

(c) GOVERNMENTWIDE USER LICENSE AGREEMENT.—The Administrator, in developing the initiative under subsection (a), shall allow for the purchase of a license agreement that is available for use by all executive agencies as one user to the maximum extent practicable and as appropriate.

SEC. 503. PROMOTING TRANSPARENCY OF BLANKET PURCHASE AGREEMENTS.

(a) PRICE INFORMATION TO BE TREATED AS PUBLIC INFORMATION.—The final negotiated price offered by an awardee of a blanket purchase agreement shall be treated as public information.

(b) PUBLICATION OF BLANKET PURCHASE AGREEMENT INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall make available to the public a list of all blanket purchase agreements entered into by Federal agencies under its Federal Supply Schedules contracts and the prices associated with those blanket purchase agreements. The list and price information shall be updated at least once every 6 months.

SEC. 504. ADDITIONAL SOURCE SELECTION TECHNIQUE IN SOLICITATIONS.

Section 3306(d) of title 41, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period and inserting ''; or'' at the end of paragraph (2); and

(3) by adding at the end the following new paragraph:

''(3) stating in the solicitation that the award will be made using a fixed price technical competition, under which all offerors compete solely on nonprice factors and the fixed award price is pre-announced in the solicitation.''.

SEC. 505. ENHANCED TRANSPARENCY IN INFORMATION TECHNOLOGY INVESTMENTS.

(a) PUBLIC AVAILABILITY OF INFORMATION ABOUT IT INVESTMENTS.—Section 11302(c) of title 40, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) PUBLIC AVAILABILITY.—

''(A) IN GENERAL.—The Director shall make available to the public the cost, schedule, and performance data for all of the IT investments listed in subparagraph (B), notwithstanding whether the investments are for new IT acquisitions or for operations and maintenance of existing IT.

''(B) INVESTMENTS LISTED.—The investments listed in this subparagraph are the following:

''(i) At least 80 percent (by dollar value) of all information technology investments Governmentwide.

''(ii) At least 60 percent (by dollar value) of all information technology investments in each Federal agency listed in section 901(b) of title 31.

''(iii) Every major information technology investment (as defined by the Office of Management and Budget) in each Federal agency listed in section 901(b) of title 31.

''(C) QUARTERLY REVIEW AND CERTIFICATION.—For each investment listed in subparagraph (B), the agency Chief Information Officer and the program manager of the investment within the agency shall certify, at least once every quarter, that the information is current, accurate, and reflects the risks associated with each listed investment. The Director shall conduct quarterly reviews and publicly identify agencies with an incomplete certification or with significant data quality issues.

''(D) CONTINUOUS AVAILABILITY.—The information required under subparagraph (A), in its most updated form, shall be publicly available at all times.

''(E) WAIVER OR LIMITATION AUTHORITY.—The applicability of subparagraph (A) may be waived or the extent of the information may be limited—

''(i) by the Director, with respect to IT investments Governmentwide; and

''(ii) by the Chief Information Officer of a Federal agency, with respect to IT investments in that agency;

if the Director or the Chief Information Officer, as the case may be, determines that such a waiver or limitation is in the national security interests of the United States.''.

(b) ADDITIONAL REPORT REQUIREMENTS.—Paragraph (3) of section 11302(c) of such title, as redesignated by subsection (a), is amended by adding at the end the following: ''The report shall include an analysis of agency trends reflected in the performance risk information required in paragraph (2).''.

SEC. 506. ENHANCED COMMUNICATION BETWEEN GOVERNMENT AND INDUSTRY.

Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall prescribe a regulation making clear that agency acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry, so long as those exchanges are consistent with existing law and regulation and do not promote an unfair competitive advantage to particular firms.

SEC. 507. CLARIFICATION OF CURRENT LAW WITH RESPECT TO TECHNOLOGY NEUTRALITY IN ACQUISITION OF SOFTWARE.

(a) PURPOSE.—The purpose of this section is to establish guidance and processes to clarify that software acquisitions by the Federal Government are to be made using merit-based requirements development and evaluation processes that promote procurement choices—

(1) based on performance and value, including the long-term value proposition to the Federal Government;

(2) free of preconceived preferences based on how technology is developed, licensed, or distributed; and

(3) generally including the consideration of proprietary, open source, and mixed source software technologies.

(b) TECHNOLOGY NEUTRALITY.—Nothing in this section shall be construed to modify the Federal Government's long-standing policy of following technology-neutral principles and practices when selecting and acquiring information technology that best fits the needs of the Federal Government.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director, in consultation with the Chief Information Officers Council, shall issue guidance concerning the technology-neutral procurement and use of software within the Federal Government.

(d) MATTERS COVERED.—In issuing guidance under subsection (c), the Director shall include, at a minimum, the following:

(1) Guidance to clarify that the preference for commercial items in section 3307 of title 41, United States Code, includes proprietary, open source, and mixed source software that meets the definition of the term ''commercial item'' in section 103 of title 41, United States Code, including all such software that is used for non-Government purposes and is licensed to the public.

(2) Guidance regarding the conduct of market research to ensure the inclusion of proprietary, open source, and mixed source software options.

(3) Guidance to define Governmentwide standards for security, redistribution, indemnity, and copyright in the acquisition, use, release, and collaborative development of proprietary, open source, and mixed source software.

(4) Guidance for the adoption of available commercial practices to acquire proprietary, open source, and mixed source software for widespread Government use, including issues such as security and redistribution rights.

(5) Guidance to establish standard service level agreements for maintenance and support for proprietary, open source, and mixed source software products widely adopted by the Government, as well as the development of Governmentwide agreements that contain standard and widely applicable contract provisions for ongoing maintenance and development of software.

(6) Guidance on the role and use of the Federal Infrastructure and Common Application Collaboration Center, authorized under section 11501 of title 40, United States Code (as added by section 401), for acquisition of proprietary, open source, and mixed source software.

(e) REPORT TO CONGRESS.—Not later than 2 years after the issuance of the guidance required by subsection (b), the Comptroller General of the United States shall submit to the relevant congressional committees a report containing—

(1) an assessment of the effectiveness of the guidance;

(2) an identification of barriers to widespread use by the Federal Government of specific software technologies; and

(3) such legislative recommendations as the Comptroller General considers appropriate to further the purposes of this section.

SEC. 508. NO ADDITIONAL FUNDS AUTHORIZED.

Except as provided in section 11501(i) of title 40, United States Code, as added by section 401, no additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized or appropriated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

This bill, the Federal IT Acquisition Reform Act, or FITARA, is a slightly modified version of the one that left committee. It was changed only with my cosponsor's concurrence in order to make it more likely to easily pass both bodies. This is, in fact, substantially the same bill, as amended, as the full House voted last year to incorporate in the House version of the defense authorization bill.

H.R. 1232 reforms governmentwide the process by which the government annually acquires and employs, roughly, $81 billion of Federal information technology. To quote President Obama on November 14, 2013: ''One of the things the Federal Government does not do well is information technology procurement.''

Now, that was profound because, in the fifth year of his Presidency, it is very clear that the President has realized that this is a monumental task, one inherited by him, not one created by him.

There are systematic problems in the way that we procure IT, including the nature of the history of individuals at all levels thinking they can buy something, and often they can, but too often our committee sees and reviews billion-dollar writeoffs of IT programs in which you cannot find out who was in charge, in which you cannot find out how they went on so long, and the hardest thing to find out is why they don't work at the end of $1 billion worth of ''in and out'' of House production. Indeed, industry experts estimate that as much as 25 percent of the over $80 billion annual expenditure is mismanaged or is attributable to duplicative investments or simply doesn't come to be used.

We need to enhance the best value to the taxpayer. More importantly, good software saves billions of dollars and countless lives and countless hours if it works. Bad or poorly done software can frustrate the American public and can often deprive them of the very product or service that they expect to receive.

When this bill was originally envisioned, written, and passed out of our committee, no one had heard of the healthcare.gov Web site. Our committee, in fact, had looked at countless other failures within the IT procurement community, including ones at the

Department of Defense and others, including ones that occurred under previous Presidents. We had determined, along with Mr. CONNOLLY, that there were a number of areas in which we needed to make fundamental change. So, although the American people can certainly see the launch of healthcare.gov as a poster child for not done on time, not, perhaps, done on a budget that we would be proud of and certainly something for which you could not find the responsible parties, even when you called them before your committee, let us make this clear: this bill is not about one failure. It is about a governmentwide, longstanding failure that predates this administration.

Among the things that FITARA will do is to create a clear line of responsibility, authority, and accountability over IT investment and management decisions by empowering agency CIOs; creating an operational framework to dramatically enhance the government's ability to procure commonly used IT faster, cheaper, and smarter; and strengthening the IT acquisition workforce. I want to reiterate this, that this is the Federal IT acquisition force. There can be no better investment than to make sure the people whom you trust the most for procuring IT, both from a standpoint of functionality and security, be a well-trained workforce, which is part of what we want to make sure we have.

FITARA accelerates and consolidates and optimizes the organization of government's proliferating data centers, something that my colleague from Virginia has worked on tirelessly. It increases the transparency of IT investment scorecards by requiring 80 percent of governmentwide IT spending to be covered by public Web sites called ''IT dashboards,'' and it ensures procurement decisions give due consideration to all technologies, including open source. I might note that for the $677 million that initially was spent on healthcare.gov, some of the areas in which the code worked was proven open source technology that was made available.

The discussion draft of this bill was first posted by our committee on its Web site 18 months ago. We held two full committee hearings on the bill, and the language that has evolved through the course of several rewrites and extensive feedback by the contracting and technology communities and experts inside and outside of the government has given us the legislation you see before you today. This is a significant and timely reform that enhances both defense and nondefense procurement, and I urge all Members to support the bill.

I reserve the balance of my time.

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

The Federal Information Technology Acquisition Reform Act, FITARA, would make a number of improvements to the management and the acquisition of IT systems in the Federal Government. I think if we were to summarize what this bill does we would have to use the words ''effective'' and ''efficient.'' We would have to use them over and over again, and we would also say that we are going to do better.

It would enhance the authority of the Federal Chief Information Officers, require agencies to optimize the functioning of Federal data centers, eliminate duplicative IT acquisition practices, and strengthen the Federal IT acquisition workforce. These reforms are needed to ensure that the Federal Government makes effective and efficient investments in information technology.

I want to commend Representative ISSA, the chairman of the Oversight and Government Reform Committee, for the bipartisan approach to this legislation. We had two full committee hearings on the concepts of this bill. The draft of the bill was made available for comment prior to the committee's considering it, and we really do appreciate that.

I also want to recognize Representative GERALD CONNOLLY, the ranking member of the Government Operations Subcommittee, for his critical work on drafting this legislation on technology issues generally. He has made himself an expert in this area, and we are the beneficiaries of that expertise. A significant portion of the legislation before us is based on Ranking Member CONNOLLY's own bill to consolidate Federal data centers.

Last year, the GAO issued its most recent high-risk report, which lists several IT projects as being among the Federal Government's highest-risk investments. For instance, a contract to streamline the Army's inventory of weapons systems is more than 12 years behind schedule and is almost $4 billion over budget. Effective oversight is one of the best weapons against this kind of wasteful spending. Congress has a duty to conduct oversight as well as the obligation to give agencies the tools they need to conduct their own oversight and improve their processes.

Agencies need more well-trained acquisition management professionals to effectively oversee complex systems acquisitions and to ensure that the government is a smart and diligent consumer. If you do not have the people who have the expertise who are doing the acquisitions, you often run into major problems. As has often been said, there is nothing like not knowing what you don't know. The Federal IT Acquisition Reform Act addresses this need by requiring OMB to submit a 5-year plan to develop, strengthen, and solidify IT acquisition cadres.

I understand that the administration has some concerns with this legislation we are considering today, so it is my hope that we can address those concerns as the bill moves forward in the legislative process.

Again, I want to thank Chairman ISSA for all of his hard work and Mr. CONNOLLY for all of his. I urge all of my colleagues to support this legislation.

With that, I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I now yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ), a man who has worked diligently on the subcommittee to ensure that national security includes Internet security.

Mr. CHAFFETZ. I thank the chairman for his good work on this. Without Chairman ISSA's leadership on this issue, we would not have this bill here today. I appreciate his work and dedication and passion on this issue. I appreciate Mr. CUMMINGS. I also appreciate Mr. CONNOLLY and the good work he does on this topic.

Mr. Speaker, I hope what people see here is a bipartisan approach to something that is a very large problem. There is a great imperative that we deal with this and deal with it right away. The Federal Government spent more than $600 billion over the past decade on information technology, and we spend, roughly, $80 billion a year just on IT. It is a critical component to making sure that we do have an effective and responsive government.

Now, of the $80 billion or so that is spent each year, about one-third is spent on new procurement projects, and about two-thirds is spent on the operation and maintenance of existing or obsolete systems. It takes so much more energy and personnel to go through obsolete systems than it does to quickly replace with software and hardware and personnel new information technology systems that will make our government more responsive and more effective. There is nothing more frustrating than trying to work with an operating system that is no longer supported by the company that even makes the operating system. We have heard horror stories of people working on DOS operating systems. They are still looking at green screens, for goodness sakes. This is an imperative, and we have to make sure it is prioritized.

□ 1530

Some industry experts have estimated that as much as 70 percent of new IT acquisitions fail or require rebaselining. The Technology CEO Council, made up of top industry experts, estimates that $20 billion of the $80 billion we spend is wasted every year on mismanaged and duplicative IT programs.

The GAO has estimated that the Departments of Treasury, Agriculture, Energy, and State spend well over 80 percent of their IT budgets on operations and maintenance of potentially obsolete systems.

We can do better on this. We are united in a bipartisan way. I encourage my colleagues to pass this bill.

Again, Mr. Speaker, I appreciate Chairman ISSA and his leadership on this issue, and I urge a ''yes'' vote on this bill.

Mr. CUMMINGS. Mr. Speaker, I yield 6 minutes to the gentleman from Virginia (Mr. CONNOLLY), a man who has

worked very hard on this legislation with Chairman ISSA.

Mr. CONNOLLY. I thank my good friend and our distinguished ranking member of the committee, Mr. CUMMINGS, for his graciousness and generosity. He has been a great leader and a great mentor in our committee. I also thank the distinguished chairman, Mr. ISSA, for his leadership on this legislation. I have been proud to cosponsor and coauthor this bill with him.

In the 21st century, Mr. Speaker, effective governance is inextricably linked with how well government leverages technology to serve its citizens. Yet our current Federal laws governing IT management and procurement are antiquated and out of step with technological change and growth and yield poor results.

Far too often, cumbersome bureaucracy stifles innovation and prevents government from efficiently buying and deploying cutting-edge technology. Program failure and cost overruns plague the vast majority of major Federal IT investments.

As the distinguished chairman indicated, if only the rollout of the health care Web site were a unique incident. Unfortunately, it actually characterizes most major Federal IT procurement rollouts.

Some Federal managers report as much as 47 percent of their budgets are spent on maintaining inadequate or antiquated IT platforms. That is 47 percent.

In recent decades, taxpayers have been forced to foot the bill for massive IT program failures that ring up staggeringly high costs but exhibit astonishingly poor performance. For example, the Air Force invested 6 years in a modernization effort that cost more than $1 billion but failed to deliver a usable product, prompting the Assistant Secretary to state:

> I am personally appalled at the limited capabilities that program has produced relative to that amount of investment.

This status quo is neither acceptable nor sustainable.

Again, I want to thank Chairman ISSA for working with me in a productive manner to develop the bipartisan Issa-Connolly Federal Information Technology Acquisition Reform Act, or FITARA. This bipartisan legislation seeks to comprehensively streamline and strengthen the Federal IT acquisition process and promote the adoption of the best practices from the technology community.

The reform measure before us recognizes that effective Federal IT procurement reform must start with leadership and accountability. It is absolutely essential that a department's top leadership understands how critical effective IT investments are to an agency's operations and ability to carry out its future mission.

We must elevate and enhance the prestige and, more importantly, the authorities of CIOs across the Federal Government to hold them accountable and to give them the flexibility to effectively manage an agency's IT portfolio. Agency heads need talented leaders to serve as their primary advisers on IT management; to recruit and retain talented IT staff, as the distinguished chairman has indicated; and to oversee critical IT investments across the organization. Title I of our legislation would accomplish this while also avoiding one-size-fits-all solutions by allowing agencies significant discretion in implementing the various aspects of this new law.

Our bill would also accelerate data center optimization, as the distinguished ranking member indicated, and provide agencies with flexibility to leverage efficient cloud services and strengthen the accountability and transparency of Federal IT programs.

If enacted, 80 percent of the approximately $80 billion spent annually on Federal IT investment would be required to be posted on the public IT Dashboard, compared to the 50 percent or less that characterizes that activity today.

Strengthening the transparency requirements is an urgent and much-needed reform in light of the most recent January 2014 GAO report that revealed the IT Dashboard has not been updated for 15 of the last 24 months. This finding is as astonishing as it is unacceptable.

Fortunately, a bipartisan consensus is forming around the urgent need to further streamline and strengthen how the Federal Government acquires and deploys information technology. President Obama has embraced Federal IT procurement reform, and a number of agencies are already taking a lead in the area.

Now is the time, Mr. Speaker, to ensure reforms are adopted government-wide and carry the force of reform law. I urge all of my colleagues to join us in this bipartisan effort in supporting this important and urgently needed reform.

In the 21st century, effective governance is inextricably linked with how well government leverages technology to serve its citizens.

Yet, our current Federal laws governing Federal IT management remain out of step with technological change and growth, with bureaucracy stifling innovation and preventing government from efficiently buying and deploying cutting edge technology.

Simply put, today Federal IT acquisition is often a cumbersome, bureaucratic, and wasteful exercise—characterized by a Federal Government that has no idea what technology it needs, struggles to manage what it has, and consequently wastes billions of taxpayer dollars on failed IT investments.

In recent decades, taxpayers have been forced to foot the bill for massive IT program failures that ring up staggeringly high costs, but exhibit astonishingly poor performance.

Program failure and cost overruns still plague the vast majority of major Federal IT investments, while Federal managers' report that 47 percent of their budget is spent on maintaining antiquated and inadequate IT platforms.

The annual price tag of this wasteful spending on Federal IT programs is estimated to add up to approximately $20 billion.

The Air Force invested six years in a modernization effort that cost more than $1 billion, but failed to deliver a usable product, prompting its Assistant Secretary to state, quote "I am personally appalled at the limited capabilities that program has produced relative to that amount of investment."

Of course, failing mission-critical IT investments do not only waste taxpayer dollars, but they jeopardize our Nation's safety, security, and economy.

From malfunctioning Census handheld computers that threatened to undermine a critical constitutional responsibility . . . to a promised electronic border fence that never materialized . . . time and time again, agency missions have been sabotaged by failed IT acquisitions and gross mismanagement.

This status quo is unacceptable and unsustainable.

The question facing us today is how can we modernize an IT procurement process designed for the 20th Century to meet the growing technology demands of the 21st?

There are no quick fixes or legislative silver bullets. However, I strongly believe that if Congress can limit partisan posturing, we may finally have an opportunity to address the core problem at the heart of the HealthCare.gov challenge—our Nation's broken Federal IT procurement system.

I want to thank Chairman ISSA for working with me in a productive manner to develop the bipartisan Issa-Connolly Federal Information Technology Acquisition Reform Act, also known as FITARA.

Our bipartisan legislation seeks to comprehensively streamline and strengthen the Federal IT acquisition process and promote the adoption of best practices from the technology community.

We have solicited extensive input from all stakeholders to refine and improve our bill in an open and transparent manner.

The resulting Issa-Connolly reform measure recognizes that effective Federal IT procurement reform must start with leadership and accountability.

It is absolutely vital that a Department's top leadership understands how critical effective IT investments are to an agency's operations and ability to carry out its mission.

After reviewing the findings of extensive oversight reviews, and feedback from those in the trenches, I believe we must elevate and enhance the prestige, and more importantly, the authorities, of CIOs across the Federal Government to hold them accountable for effectively managing an agency's IT portfolio.

Agency heads must have talented leaders to serve as primary advisors on IT management . . . recruit and retain talented IT staff . . . and oversee critical IT investments.

Title I of FITARA would accomplish this, while also avoiding "one-size-fits-all" solutions by allowing agencies significant discretion in implementing the law.

In many respects, FITARA simply provides the force of law behind the August 2011 memorandum authored by then-OMB Director Jacob Lew, which announced that the Administration was committed to, quote:

> "changing the role of Agency Chief Information Officers away from just policy-making and infrastructure maintenance, to encompass true portfolio management for all IT.
>
> This will enable CIOs to focus on delivering IT solutions that support the mission and

business effectiveness of their agencies and overcome bureaucratic impediments to deliver enterprise-wide solutions.''

More than two years has passed since that policy memorandum was distributed to agencies, and it has become clear that efforts to reform IT through Administrative actions alone will not suffice.

In fact, if one takes the time to analyze FITARA vis-à-vis existing Administration IT initiatives, one will find that our bipartisan bill is consistent with, and seeks to build on, the nascent Federal IT initiatives that have emerged over the past five years, including those in the 25 Point Plan.

For example, the Issa-Connolly FITARA would enhance the CIO Council's role, tasking it with leading enterprise-wide portfolio management, and coordinating shared services and shared platforms across government.

This bipartisan bill would also empower agencies to eliminate duplicative and wasteful IT contracts that have proliferated for commonly-used, IT Commodity-like investments, such as e-mail.

In this era of austerity, agencies cannot afford to spend precious dollars and time creating duplicative, wasteful contracts for products and licenses they already own. In addition to improving how the government procures IT, this amendment would also enhance how the government deploys these tools.

Our bill would accelerate data center optimization, provide agencies with flexibility to leverage efficient cloud services, and strengthen the accountability and transparency of Federal IT programs.

If enacted, 80 percent of the approximately $80 billion annual Federal IT investment would be required to be posted on the public IT Dashboard, compared to the 50 percent coverage that exists today.

Strengthening the transparency requirements of the IT Dashboard is an urgent and much needed reform in light of the recent January 2014 GAO report that revealed the IT Dashboard has not been updated for 15 of the past 24 months! This finding was as astonishing as it was unacceptable.

The IT Dashboard was launched in 2009 with great fanfare, and to this day, OMB continues to claim that, quote ''The IT Dashboard gives the public access to the same tools and analysis that the government uses to oversee the performance of the Federal IT investments.''

Clearly providing the public with accurate and updated Federal IT investment performance data for only 9 months out of a 2-year period fails to give average citizens access to the same analysis used by agencies.

It certainly undermines OMB's claim that the IT Dashboard was launched to, quote shine ''light onto the performance and spending of IT investments,'' by ensuring that the public has access to data indicating not only whether a project is over budget or behind schedule, but providing specific dollars figures and dates.

Consistent with the principle that public contracts are public documents, our amendment also strengthens transparency in regard to the final negotiated price a company charges a Federal agency for a good or service.

Today, far too many agencies negotiate blanket purchase agreements in silos, without any knowledge that another agency has already negotiated a BPA with the same exact vendor, for the same exact product, but at a different price.

Nearly two decades has passed since the Information Technology Management Reform Act and the Federal Acquisition Reform Act were enacted through the National Defense Authorization Act for Fiscal Year 1996—reforms that are better known today as the foundational ''Clinger-Cohen Act.''

Fortunately, a bipartisan consensus is finally forming around the urgent need to further streamline and strengthen how the Federal Government acquires and deploys IT. President Obama has embraced Federal IT procurement reform and several agencies are already taking the lead in this area.

Now is the time to ensure reforms are adopted government-wide and carry the force of law.

The bipartisan Issa-Connolly Federal IT Acquisition Reform Act will enhance the statutory framework established by Clinger-Cohen to create an efficient and effective Federal IT procurement system that best serves agencies, industry, and most importantly, the American taxpayer.

I urge all my colleagues to join me in supporting this important and urgently needed bipartisan reform measure.

IT ALLIANCE FOR PUBLIC SECTOR,
Washington, DC, February 25, 2014.

Re H.R. 1232, the Federal Information Technology Acquisition Reform Act (FITARA)

Hon. DARRELL ISSA,
Chairman, House Oversight & Government Reform, Washington, DC.

Hon. GERRY CONNOLLY,
House Oversight & Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA AND REPRESENTATIVE CONNOLLY: On behalf of the Information Technology Alliance for Public Sector (IT Alliance), I would like to thank you for your continued engagement with industry regarding the Federal Information Technology Acquisition Reform Act (FITARA). We believe that these discussions have led to many improvements to the legislation over the past year. We look forward to continuing this dialogue as the bill advances to the Senate.

The IT Alliance recognizes the importance of revisiting and revising federal information technology management and related acquisition processes, and we appreciate the outreach efforts of the bill's cosponsors and their staffs. We greatly appreciate the additional changes recently made to the bill that include the clarification of applicability to the Department of Defense regarding CIO authorities, the added ''optional-use'' text around the Acquisition Centers of Excellence, and the removal of the term ''low-cost'' from the bill. While we still hold some reservations regarding the Federal Infrastructure and Common Application Collaboration Center, we believe making the program into a pilot allows agencies more flexibility. Additionally, we continue to support many of the provisions and authorities in the bill:

Enhanced Authorities for the Civilian Chief Information Officers (CIOs)—The IT Alliance supports enhanced authority for ClOs, including consolidation of the position to improve management of IT investment decisions, reduce redundancy, and drive efficiency across the entire department. ARWG further supports provisions establishing direct executive agency personnel engagement in the IT investment strategy for the agency.

Multi-Year Revolving Funds for IT Investment—The IT Alliance strongly supports the funding availability for agencies wishing to transition to the cloud. We see this as a significant improvement that will allow the government acquisition of technology to keep pace with innovation, and to provide more flexibility in budget models than currently exists. We further believe this flexibility should be extended to all IT investments.

Transition to the Cloud—The IT Alliance supports the provisions that promote the government's transition to a cloud services environment. Industry has emphasized the need for government to utilize the most innovative advancements in information technology to increase efficiency and reduce costs, and transitioning to the cloud will provide the government with more reliable, more affordable and more flexible access to IT infrastructure than currently exists.

Data Center Optimization—The IT Alliance supports provisions that seek to create effective data center optimization plans. These plans would establish metrics for optimizing data center usage and drive efficiencies in their utilization, while also encouraging the wider use of commercial data centers and commercial cloud services. The bill seeks to eliminate non-optimized data centers, and, subject to appropriations, use the savings achieved to promote other IT capabilities and services throughout the agency involved.

Strengthening the IT Acquisition Workforce—The IT Alliance is also very supportive of provisions that enhance the IT acquisition workforce's capabilities. These provisions, particularly regarding the development of a career path for IT program management, represent a first step to meaningful improvements in the management of IT investments.

Enhanced Communication with Industry—ARWG supports the provisions that encourage a more robust dialogue between industry and government. This promotes federal acquisition personnel having responsible and constructive dialogues with industry and we could not encourage this point more.

Thank you again for your dedication to improving the way the federal government procures information technologies, and for recognizing the need for management, workforce, and technical solutions. We look forward to continuing to work with you and your colleagues as it advances to the Senate to further improve this important bill. Should you have any questions, please feel free to contact Erica McCann of the ITAPS staff if we can be of further assistance.

Respectfully submitted,
A.R. ''TREY'' HODGKINS III,
Senior Vice President, Public Sector.

Mr. ISSA. Mr. Speaker, can I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from California has 12 minutes

remaining. The gentleman from Maryland has 11½ minutes remaining.

Mr. ISSA. Mr. Speaker, I yield myself 2 minutes.

My partners in this are sitting on the other side of the aisle. But this committee has come together to look at a problem as simple as chief information officer doesn't mean ''chief.'' It is simply a hollow title.

This bill, more than anything else to the American people, means that for every piece of major IT procurement, there will be a chief information officer; and that CIO will have budget authority and be held accountable, but also be given the ability to make those decisions, including pulling the ''stop'' button on a bad piece of legislation.

So the title of CIO and CTO and some of the other titles need to mean something. Our committee unanimously believes that if you are to be a chief, you have to be able to tell the Indians what to do. You can't be a chief in name only, and when something doesn't work, find yourself without the ability to call ''halt,'' to go directly to the agency head or do the other things we would expect the title ''chief'' to mean.

So, for that reason, I believe it has united a committee behind something that must pass today, go to the Senate and be taken up and become law, if we are going to begin regaining the American people's confidence in our ability to procure large information systems.

With that, I reserve the balance of my time.

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

Mr. Speaker, I agree with Chairman ISSA. If we are going to have a chief information officer, they need to be what we say they are. They need to have the power to effect change when change is appropriate. They have to have the power to make sure decisions are made to carry out the issues that come up with IT in an effective and efficient manner. I think this legislation is a giant step in the right direction.

With that, Mr. Speaker, I would hope and ask all Members of Congress to vote in favor of this legislation. As I often say, we can always do better. I think that this is one of those times when, through a bipartisan effort, we are making a major statement that we are going to do better.

With that, I yield back the balance of my time.

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

In closing, first, I urge all Members to vote on this important legislation to send a strong message that this is a do-something Congress when it comes to problems that have been around for a very long time.

Secondly, I would like to take a moment, in a bit of personal privilege, to say to the American workforce that work for the Federal Government that, in every investigation by our committee, we have found in every failed project there were legions of good Federal employees who recognized the problem, sent letters, and who tried to have a program that was not going right to go right or go better.

It is not for lack of many, many in the Federal workforce who are doing their job as best they can. It is for lack of a consolidated and predictable chain of command. It is for lack of the ability to have somebody know they are in charge, bear the full weight, and be qualified.

I have no doubt that, upon enactment of this law, the Federal workforce will begin to breathe a breath of fresh air to know that they are being empowered to do the work they so desperately want to do, and that the tools are going to be added for them and the titles will become a title earned and then used wisely.

Seldom do we spend a lot of time on the House floor talking about how great the Federal workforce is. We are talking about monumental failures. Let's understand that it is not for lack of good programmers, it is not for lack of good contractors, and it is not for lack of well-meaning and dedicated Federal workers that we come today. It is for the need to organize them in a way in which we believe they can be successful. And that is the other part of our committee. We are the Committee on Government and Oversight Reform, and today is a structural reform in how we purchase information technology.

For that, I want to thank my partners on the other side of the aisle because we have been right next to each other on this all the way. I particularly thank Mr. CONNOLLY, who has put his staff and his own personal time into every aspect of this, and who also added his earlier legislation that allows us to bring about the necessary consolidation of duplicative centers spread around the country. They are simply a waste of energy and a waste of software power.

So I see this as a win-win, one in which Republicans and Democrats have come together in a Congress that does not have a great reputation but, on occasion, does great things.

I urge support for this, and I yield back the balance of my time.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 1232 because it begins to fix a broken procurement system that has been on the GAO's "high–risk" list since the early 1990's.

Federal IT procurement has been a black hole of taxpayer dollars long before the deeply flawed rollout of Healthcare.gov. During my service on the House Intelligence Committee from 2003 to 2011, there were billions of dollars spent on IT projects that failed, without a shred of work product recoverable for the taxpayer.

H.R. 1232 will go a long way toward addressing these problems by empowering agency CIOs and developing new IT acquisition guidelines and best practices. This bill is a strong start but I think there's more that can be done.

Congressman Connolly and I have worked together to draft complementary legislation to FITARA, called the Reforming Federal Procurement of Information Technology Act. Our bill would create a new, high–level office of IT experts in the White House charged with reviewing major federal IT projects before they get off track.

Our bill would also make it easier for small, innovative businesses to compete for federal projects by simplifying the contracting process. The Federal Acquisition Regulation is 1,900 pages long, and some agencies have a supplement that's an additional 1,000 pages. This rewards incumbent companies familiar with the rules and prevents open competition and innovation among vendors.

I applaud Congressmen ISSA and CONNOLLY for working together on this important legislation, and I urge my colleagues to support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 1232, as amended

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

A motion to reconsider was laid on the table.

TAXPAYERS RIGHT-TO-KNOW ACT

Mr. LANKFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1423) to provide taxpayers with an annual report disclosing the cost and performance of Government programs and areas of duplication among them, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1423

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 ''Taxpayers Right-To-Know Act''.

SEC. 2. COST AND PERFORMANCE OF GOVERNMENT PROGRAMS.

(a) AMENDMENT.—Section 1122(a) of title 31, United States Code, is amended by adding at the end the following:

''(3) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—Information for each program described under paragraph (1) shall include the following to be updated not less than annually:

''(i) The total administrative cost of the program for the previous fiscal year.

''(ii) The expenditures for services for the program for the previous fiscal year.

''(iii) An estimate of the number of clients served by the program and beneficiaries who received assistance under the program (if applicable) for the previous fiscal year.

''(iv) An estimate of, for the previous fiscal year—

''(I) the number of full-time Federal employees who administer the program; and

''(II) the number of full-time employees whose salary is paid in part or full by the Federal Government through a grant or contract, a subaward of a grant or contract, a cooperative agreement, or another form of financial award or assistance who administer or assist in administering the program.

''(v) An identification of the specific statute that authorizes the program, including whether such authorization is expired.

''(vi) Any finding of duplication or overlap identified by internal review, an Inspector

General, the Government Accountability Office, or other report to the agency about the program.

''(vii) Any program performance reviews (including program performance reports required under section 1116).

''(B) DEFINITIONS.—In this paragraph:

''(i) ADMINISTRATIVE COST.—The term 'administrative cost' has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this paragraph, with respect to an agency—

''(I) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

''(II) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

''(ii) SERVICES.—The term 'services' has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).''.

(b) EXPIRED GRANT FUNDING.—Not later than February 1 of each fiscal year, the Director of the Office of Management and Budget shall publish on the public website of the Office of Management and Budget the total amount of undisbursed grant funding remaining in grant accounts for which the period of availability to the grantee has expired.

SEC. 3. GOVERNMENT ACCOUNTABILITY OFFICE REQUIREMENTS RELATING TO IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

Section 21 of the Statutory Pay-As-You-Go Act of 2010 (31 U.S.C. 712 note) is amended by inserting ''(a)'' before the first sentence and by adding at the end the following:

''(b) The Comptroller General shall maintain and provide regular updates, on not less than an annual basis to a publicly available website that tracks the status of responses by Departments and the Congress to suggested actions that the Comptroller General has previously identified in annual reports under subsection (a). The status of these suggested actions shall be tracked for an appropriate period to be determined by the Comptroller General. The requirements of this subsection shall apply during the effective period of subsection (a).''.

SEC. 4. CLASSIFIED INFORMATION.

Nothing in this Act shall, or the amendments made by this Act, be construed to require the disclosure of classified information.

SEC. 5. REGULATIONS AND IMPLEMENTATION.

(a) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this Act, and the amendments made by this Act.

(b) IMPLEMENTATION.—This Act, and the amendments made by this Act, shall be implemented not later than one year after the date of the enactment of this Act.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this Act, or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LANKFORD) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

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

Mr. Speaker, I rise today because I believe that the American people should know what their government spends and what their government does. It is a reasonable request to be able to make of a government that is designed to serve the people. The people should be able to look back and be able to evaluate, Is this government serving the people, and are they doing it in such away that is actually efficient and making a difference?

Every company in America can tell you what their staff is spending their time on and what the cost of their activities are, how many customers they have, and whether they are successful at reaching their basic goals. But we do not have that within the Federal Government.

H.R. 1423 asks just a few specific things of our government to be able to delineate, again, what every business in America does. It is just six specific things, such as the name of the program, the basic description of that program, the administrative costs of that program, the number of staff for that program, the number of beneficiaries of that program, the statutory authority for that program, and, very importantly, how that program is actually evaluated and what are the metrics to determine if this program is getting the job done that it needs to get done.

We have started in the right direction. OMB is working to comply with the Government Performance and Results Modernization Act of 2010 by publicly listing all of the programs that the government administers and their performance goals, but that information is incomplete.

H.R. 1423 fills the gaps in the information provided to the public by requiring OMB to include such vital information as the administrative costs and expenditures of each Federal program, the number of people the program serves, the number of employees working on the program, and where in the statute the program is authorized.

□ 1545

This bill offers a simple list that Congress can use to evaluate Federal programs and to make informed decisions about how to make government work smarter and better. Agencies could cut billions of dollars in costs, without compromising services. In many cases, they could improve their services while we are still saving money to the taxpayer.

If we just cut duplicative administrative costs and eliminate the programs that do not work, we can protect taxpayer dollars. We have an enormous Federal deficit. We should do everything we can to be able to evaluate what we are doing as a government and be able to determine where are we wasting taxpayer dollars. There are not taxpayer dollars left to waste.

Under the bill, any person anywhere in the country can, at any time, access information about the cost, scope, and performance of every Federal program.

H.R. 1423 requires OMB to report publicly any finding of duplication by GAO, an inspector general or any other report. It also requires GAO to maintain a database that tracks how quickly and how well Congress and the administration respond to these findings of duplication.

It may come as a surprise: Congress occasionally finds duplication and does nothing about it. This would provide the opportunity for the American people to be able to look back and to be able to track, are we doing something about inefficiencies that have already been isolated in government?

The Vice President was asked during the State of the Union, in this very Chamber, by the President of the United States, to begin a study of job training programs. We know there are more than 57 job training programs that already exist across the Federal Government in multiple agencies. The Vice President was asked to be able to locate those programs, evaluate those programs, and to help determine what is the right process forward for those programs.

Now, that is something that we in the House did earlier last year, the SKILLS Act, but it is something that we would welcome participation from the administration on.

I ask the question: Why can't we already do that in every area, not just duplicative job training programs?

We have multiple programs in multiple agencies that are duplicative. Why do we just do it in job training programs?

Let's do it in all of them. This is the beginning of a process to get after that duplication and that waste. No one here, on either side of the aisle, wants to see a program that is unnecessary or ineffective.

Waste in government is not a Democrat or Republican issue; it is a Big Government issue. With a government the size that we have, we have duplication and we have waste. Let's identify it.

The Taxpayers Right-to-Know Act will ensure we do that. I urge my colleagues to support this bill, and I remind my colleagues that multiple groups have already leaned into this bill to say, please pass this, including the Citizens Against Government Waste, the Small Business and Entrepreneurship Council, and the National Taxpayers Union.

America is watching us. Let's deal with our inefficiency.

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

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

I wanted to thank Chairman ISSA and the sponsor of this bill, Chairman

Lankford, for working with me to improve this legislation.

I respect the sponsor's goal with his bill, which is to provide taxpayers more information about how their money is being spent by the Federal Government. I think most people don't mind paying taxes, but they want to know that they are spending them and that they are being used in an effective and efficient manner and for the purpose intended.

However, the Congressional Research Service identified multiple areas of potential overlap and duplication between the bill as it was introduced and the current statutory requirements.

For example, the bill, as introduced, would have required each agency to report information on improper payments, but the Improper Payments Information Act already requires agencies to report information on improper payments.

The current bill, as amended, eliminates much of that duplication. This is a much better bill, and I applaud the majority for their work on it.

There is one provision in the Taxpayers Right-to-Know Act that I want to note because I think it will be a real improvement with regard to transparency. The bill would require agencies to report the number of full-time positions that are paid, in full or in part, through a grant or a contract.

We do not currently know how many employees are working for the Federal Government through contracts. This bill would require agencies to disclose this information on an annual basis.

This bill also includes an amendment that was offered by Representative SPEIER during our committee markup to require agencies to report for their programs any findings of duplication or overlap identified by internal review, an inspector general, the Government Accountability Office, or other report to the agency.

This requirement will help agencies keep track of areas of duplication. It also will increase accountability by making this information easier to find for government watchdogs, including Congress.

I appreciate the improvements that have been made to the bill. I appreciate the bipartisan spirit by which we were able to come to the floor today. I intend to support the legislation.

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

GENERAL LEAVE

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. LANKFORD. Mr. Speaker, let me make one quick comment, then I would like to yield a minute to my colleague.

This does allow us to be able to gather that information. It is a good thing to have the information.

Over the past several years there has been a push to provide greater transparency in the Federal Government, but the difficulty of bits of information scattered in different parts in different reports has forced the need for this; to say, let's put all that data together.

Not only the number of staff and the number of programs and duplication reports, but let's gather that into one readable report so that every American doesn't have to know where to chase down to get bits of information. They can actually go to one spot and be able to look at it, whether it is a watchdog group, Members of Congress, or any citizen at any computer in America, they can be able to do that kind of research.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I will be brief.

When our committee works together in the way they have, particularly under the leadership of Chairman LANKFORD, we can do some amazing reforms. This is, in fact, more amazing than people might at first gather.

For example, this requires something as simple as to have the Office of Management and Budget report what is called the all-in cost of Federal programs. For too long, the American people have heard about what a program costs, only to find out that if you go through all the various budgets that a particular action is spread about, it might cost five or six times as much.

That kind of single point accountability is just one of the many reasons that this well-thought-out, bipartisan legislation, led by Mr. LANKFORD, really needs to be passed today as part of this package of reforms to get a government accountability to the American people.

I thank the chairman. I thank the ranking member.

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

Mr. Speaker, as I close, I urge all Members to vote in favor of the legislation.

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

Mr. LANKFORD. Mr. Speaker, I do appreciate the conversation and the debate today. This is something that Republicans and Democrats can agree on. We should have transparency. Again, this is not a Republican issue or a Democrat issue. This is a size and scope of our government issue.

We have grown extremely large in the Federal Government. We have duplication that none of us can even find, large budget categories with no specific items underneath them to be able to identify how much things cost, what their effectiveness includes.

This is a moment for us to begin to get the details of all these programs that Congress has authorized back to the Congress for us to be able to evaluate their effectiveness.

This is the right move to be able to make in the days ahead, for us to be able to get our arms around an extremely large, extremely complicated budget with a tremendous amount of duplication and waste that we can't find until we shine some light on it through this bill. I urge all Members to be able to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. LANKFORD) that the House suspend the rules and pass the bill, H.R. 1423, as amended.

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

A motion to reconsider was laid on the table.

UNLOCKING CONSUMER CHOICE AND WIRELESS COMPETITION ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1123) to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1123

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 ''Unlocking Consumer Choice and Wireless Competition Act''.

SEC. 2. REPEAL OF EXISTING RULE AND ADDITIONAL RULEMAKING BY LIBRARIAN OF CONGRESS.

(a) REPEAL AND REPLACE.—As of the date of the enactment of this Act, paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as amended and revised by the Librarian of Congress on October 28, 2012, pursuant to the Librarian's authority under section 1201(a) of title 17, United States Code, shall have no force and effect, and such paragraph shall read, and shall be in effect, as such paragraph was in effect on July 27, 2010.

(b) RULEMAKING.—

(1) IN GENERAL.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, who shall consult with the Assistant Secretary for Communications and Information of the Department of Commerce and report and comment on his or her views in making such recommendation, shall determine, consistent with the requirements set forth under section 1201(a)(1) of title 17, United States Code, whether to extend the exemption for the class of works described in section 201.40(b)(3) of title 37, Code of Federal Regulations, as amended by subsection (a), to include any other category of wireless devices in addition to wireless telephone handsets.

(2) TIMING OF RULEMAKING.—(A) If this Act is enacted before June 1, 2014, the determination under paragraph (1) shall be made by not later than the end of the 9-month period beginning on the date of the enactment of this Act.

(B) If this Act is enacted on or after June 1, 2014, the determination under paragraph (1) shall be made in the first rulemaking

under section 1201(a)(1)(C) of title 17, United States Code, that begins on or after the date of the enactment of this Act.

(c) UNLOCKING AT DIRECTION OF OWNER.—

(1) IN GENERAL.—Circumvention of a technological measure that restricts wireless telephone handsets or other wireless devices from connecting to a wireless telecommunications network—

(A)(i) as authorized by paragraph (3) of section 201.40(b) of title 37, Code of Federal Regulations, as made effective by subsection (a), and

(ii) as may be extended to other wireless devices pursuant to a determination in the rulemaking conducted under subsection (b), or

(B) as authorized by an exemption adopted by the Librarian of Congress pursuant to a determination made on or after the date of enactment of this Act under section 1201(a)(1)(C) of title 17, United States Code,

may be initiated by the owner of any such handset or other device, by another person at the direction of the owner, or by a provider of a commercial mobile radio service or a commercial mobile data service at the direction of such owner or other person, solely in order to enable such owner or a family member of such owner to connect to a wireless telecommunications network, when such connection is authorized by the operator of such network.

(2) NO BULK UNLOCKING.—Nothing in this subsection shall be construed to permit the unlocking of wireless handsets or other wireless devices, for the purpose of bulk resale, or to authorize the Librarian of Congress to authorize circumvention for such purpose under this Act, title 17, United States Code, or any other provision of law.

(d) RULE OF CONSTRUCTION.—Except as provided in subsection (c), nothing in this Act alters, or shall be construed to alter, the authority of the Librarian of Congress under section 1201(a)(1) of title 17, United States Code.

(e) DEFINITIONS.—In this Act:

(1) COMMERCIAL MOBILE DATA SERVICE; COMMERCIAL MOBILE RADIO SERVICE.—The terms ''commercial mobile data service'' and ''commercial mobile radio service'' have the respective meanings given those terms in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(2) WIRELESS TELECOMMUNICATIONS NETWORK.—The term ''wireless telecommunications network'' means a network used to provide a commercial mobile radio service or a commercial mobile data service.

(3) WIRELESS TELEPHONE HANDSETS; WIRELESS DEVICES.—The terms ''wireless telephone handset'' and ''wireless device'' mean a handset or other device that operates on a wireless telecommunications network.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

PARLIAMENTARY INQUIRY

Mr. POLIS. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. POLIS. I don't believe there is a rule for this bill. Is there a rule for this bill?

The SPEAKER pro tempore. The Chair is referring to a standing rule of the House.

Mr. POLIS. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. Is the gentleman from Virginia in favor of the motion?

Mr. SCOTT of Virginia. Mr. Speaker, I am in favor of the motion. I am not opposed to the bill

The SPEAKER pro tempore. On that basis, pursuant to the rule, the gentleman from Colorado (Mr. POLIS) will control the 20 minutes in opposition.

The gentleman from Virginia (Mr. GOODLATTE) is recognized.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 1123, currently under consideration.

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

There was no objection.

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

Last winter, due to an expired exemption to existing law, consumers lost the legal right to unlock their cell phones so that they could use them on a different wireless carrier. Outraged consumers flooded Congress and the White House with complaints over this change in policy that resulted in reduced marketplace competition.

In response to this impact on consumers, a bipartisan group of House Judiciary Committee members introduced H.R. 1123, the Unlocking Consumer Choice and Wireless Competition Act. The legislation reinstates the prior exemption to civil and criminal law for unlocking cell phones for personal use. It also creates an expedited process to determine whether this exemption should be extended to other wireless devices such as tablets.

When this legislation is enacted, consumers will be able to go to a kiosk in the mall, get help from a neighbor, or see a wireless carrier to help unlock their cell phone without any risk of legal penalties. This is not the case today, which is why this legislation is necessary.

H.R. 1123 is supported by such diverse groups in the cellular industry, from the large carriers of CTIA to the small carriers of the Competitive Carriers Association.

Although these two groups announced a private sector agreement in December on unlocking based upon this same legislation, that agreement cannot eliminate the potential of civil and criminal sanctions for consumers who unlock their cell phones. So the need for the legislation remains. Even Consumers Union supports this critical legislation.

□ 1600

The committee has been aware of law enforcement concerns regarding the explosive growth in smartphone thefts. Efforts by criminals to undertake bulk unlocking and transfers of stolen phones are a growing concern in America. Smartphones seem to have become crime magnets in many cities across America.

Because the policy issue has always focused on the ability of consumers to unlock their phones, the legislation is similarly focused on individual consumer unlocking without raising law enforcement concerns. Why would it make sense for Congress to enable criminal gangs to more easily make money off stolen phones instead of simply solving the main issue of consumers being able to unlock their own phones?

Some would like this legislation to go even further. However, I hope all can agree that this is a good start and a solid piece of legislation that will empower consumer choice.

I urge my colleagues to support this important proconsumer legislation, and I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the Unlocking Consumer Choice and Wireless Competition Act.

I support the sentiment behind this bill, and I support the version that was reported out of the Judiciary Committee. However, unfortunately, an important change that I will discuss to the detriment of this bill was added last week, just prior to this bill being brought to the floor.

The gentleman from Virginia (Mr. GOODLATTE) gave some background with regard to why a bill is necessary. Ever since the Library of Congress ruled last year that unlocking your cell phone violates copyright law, there have been a number of us on both sides of the aisle who have worked to ensure that consumers have the right to unlock their wireless devices and use their property as they see fit.

I am proud to be a cosponsor of Congresswoman LOFGREN's bill, the Unlocking Technology Act of 2013, which gives consumers the right to unlock their devices on a permanent basis.

Before I came to Congress, I was an entrepreneur who started a number of businesses, and I understand firsthand the importance of allowing a free market to thrive and to create a positive environment for businesses and consumers alike.

Allowing consumers to unlock their cell phones, which are their own personal property, can spur competition, allowing new start-up carriers to succeed, lowering prices, and increasing service options for all cell phone users.

To be clear, this is a separate issue from being contractually bound to use a certain provider for a certain period of time. Many Americans choose to enter into a long-term contract in exchange for discounts or free cell phones.

That is not the issue being discussed today, and I don't think there is a problem from either side of the aisle about those consensual contracts.

Rather, we are talking about unlocking cell phones that are not contractually bound to a certain service

provider. This has been an issue within our trade agreements.

I have recently drafted bipartisan letters to the United States Trade Representative, with Representative MASSIE, expressing concern that the leaked text of the Trans-Pacific Partnership agreement would potentially make any permanent fix to unlocking cell phones illegal.

Now, this bill is not a permanent fix. This bill would make clear congressional intent consistent with the optional agreement between the companies that they have reached. However, the last-minute change that was made in this bill, different from the bill that was passed out of committee, puts a real poison pill in this bill for consumer advocates, such as myself.

The bill adds the language that nothing in this subsection shall be construed to permit the unlocking of wireless handsets or other wireless devices for the purpose of bulk resale or to authorize the Librarian of Congress to authorize circumvention for such purpose or any other provision of law.

Now, while this gives, again, at least a patina of deniability that the bill is making a statement in one way or the other, the statement certainly implies that Congress believes that bulk unlocking is, in fact, illegal.

Now, why is bulk unlocking important? When it comes to the actual technical skills necessary, many consumers are not going to be unlocking their phones themselves. There needs to be a market in unlocked phones for consumers to have the full ability and to be empowered to choose the provider of their choice.

This bill does weigh in, with congressional intent, against the creation of a dynamic marketplace that increases consumer choice and options.

I think, without this clause, this was a bill that made it clear that we can't use the Digital Millennium Copyrights Act to interfere with an issue that is unrelated to copyright, but with this clause, it suggests that perhaps the DMCA's clauses can be used for non-copyright issues if, perhaps, somebody doesn't like the motive behind the unlocker.

So, as a result of this change, a number of organizations have withdrawn their support: iFixit, the Electronic Frontier Foundation, Public Knowledge, Generation Opportunity, and FreedomWorks.

I hope to be able to continue to work with colleagues on both sides of the aisle to improve this bill, but with the current language, I do not believe, at this point, that this bill is a step forward for consumers.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. ISSA), the chairman of the Oversight and Government Reform Committee.

Mr. ISSA. I thank the chairman.

Mr. Speaker, when I was alerted as to this change, like Mr. POLIS, I asked, What will be the impact? And, at first glance, I was concerned that it could be a poison pill, that it could limit the ability, for example, for somebody to take trade-ins of thousands of phones and unlock them, but I found no such case because they are buying from an individual.

At that moment, they choose to unlock it as part of the arrangement, and you now have an unlocked phone. There is no prohibition on buying 500 unlocked phones and selling 500 unlocked phones.

As a matter of fact, when I went through the language of bulk sales, I could find essentially no possible business plan that would require the unlocking of bulk phones, except as to buying from a wholesaler who did not intend them to be unlocked, intended them to be sold individually, unlocking them, and then selling them off to another party.

Any transaction in which the product gets to an individual or in which unlocking occurs at the time of the individual is fully covered by this bill.

So although I did share the concern of the gentleman from Colorado (Mr. POLIS) that there was a scenario in which somebody would not be able to unlock a phone, I discovered that there was nothing that the consumer would be affected by that could possibly affect this.

For example, let me say that, hypothetically, I am that individual, that company, and Mr. POLIS and I have something in common, which is we both ran companies. If I am an individual and I want to buy 1,000 locked phones, there is going to be an easy unlock capability. Third parties are going to be able to provide the unlock capability.

I can buy 1,000 locked phones or 100,000 locked phones. I can sell them to somebody else, who sells them to somebody else. Anytime that company or individual is down to the end user who wants to unlock a phone, that capability is there.

Mr. POLIS is one of the most intelligent and knowledgeable and trained people in this area of anyone in Congress, but if we go through each of the workarounds that we, in business, would do, I can find no scenario whatsoever in which this would stop the consumer from receiving an unlocked phone, if they chose to, even if, in the interim basis, there were many transactions of 10 or 100,000 phones of bulk sale.

It does not prevent the sale of unlocked bulk phones being sold and resold. It does not prevent the bulk sale of locked phones. So you only have to ensure, as I understand the law—and I have checked it against the language—that the unlocking occurs in support of the consumer.

So though I share the opposition's concern, I believe—I have looked through, vetted it, and like Mr. POLIS, as a businessman, I have found that it stops no business plan and hurts no consumer.

I thank the chairman for bringing this legislation. I urge its support.

Mr. GOODLATTE. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Speaker, I yield an additional 1 minute to the gentleman from California.

Mr. ISSA. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Speaker, on the very point that the gentleman from California just raised, I will submit a letter for the RECORD from the Small Business & Entrepreneurship Council, representing many small businesses and entrepreneurs around America and endorsing this legislation.

I would also like to note that the Consumers Union of America and the Competitive Carriers Association, which are the small telecommunications companies that have to compete with the big behemoths, would both be concerned about their ability to compete in this very area; but they both support this legislation as well, the Consumers Union representing consumers and small businesses, and the SBE representing small businesses and entrepreneurs.

SBE COUNCIL,
Vienna, VA, February 24, 2014.

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

DEAR CHAIRMAN GOODLATTE: The Small Business & Entrepreneurship Council (SBE Council) is pleased to support H.R. 1123, the Unlocking Consumer Choice and Wireless Competition Act of 2013. Entrepreneurs require flexibility to successfully run their businesses, and they certainly support the freedom and choice provided by H.R. 1123.

H.R. 1123 repeals a Library of Congress (LOC) rulemaking determination regarding the circumvention of measures controlling access to copyrighted software on wireless telephone handsets for the purposes to connecting to other, different wireless handsets. This means entrepreneurs and small businesses can easily switch to another carrier once their contracts expire on their cell phones or tablets.

H.R. 1123 is a common sense measure that aligns government policies with the flexibility the 100,000 members of SBE Council need. We look forward to working with you to advance H.R. 1123.

Sincerely.

KAREN KERRIGAN,
President and Chief Executive Officer.

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, February 24, 2014.

Hon. ROBERT W. GOODLATTE,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 1123, the ''Unlocking Consumer Choice and Wireless Competition Act,'' which has been favorably reported by your committee and is scheduled to be considered by the House later this week.

Law enforcement agencies across the country, and especially in large urban areas, have been experiencing an increase in the number of crimes that involve stolen wireless devices. Often, smartphones are stolen from consumers and then sold to the criminal

equivalent of an aggregator who unlocks them in bulk and attempts to sell them domestically or abroad. The ability to unlock these devices is a critical part of criminals' ability to resell them at a profit.

For this reason, as Congress contemplates legislation to facilitate lawful unlocking by individuals, either for themselves or for devices on a family plan, we urge you to retain the prohibition on bulk unlocking consistent with both the 2010 and 2012 decisions from the Copyright Office. We believe that maintaining this prohibition will reduce smartphone thefts because the criminal sale of these devices will no longer be as profitable.

Thank you as always for considering the views of the more than 330,000 members of the Fraternal Order of Police. If I can provide any more information on this issue, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

Mr. POLIS. I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, the inability to unlock cell phones means that the original wireless carrier has an unfair and unnecessary competitive advantage. In many instances, the sole purpose of locking a cell phone is to keep consumers bound to their existing networks.

Consumers often buy a new cell phone as part of their initial purchase of service from a carrier's wireless network. Because the phone is locked into that carrier's network, at the end of the first term of service, the consumer is forced to stay with that provider, sometimes at a higher rate, or being stuck with a useless locked phone.

Allowing a phone to be unlocked will allow a consumer to keep his phone and switch carriers to a more appropriate, affordable, or suitable plan and have that opportunity, without having to purchase a new phone. So I support H.R. 1123, as amended, as it will restore a consumer's ability to unlock their cell phones.

Now, obviously, allowing millions of consumers who wish to unlock their cell phones and switch to another provider, obviously, that has widespread support. The White House, the Federal Communications Commission, and others that the chairman of the committee have mentioned have all urged Congress to allow cell phone unlocking.

The bill, as amended, makes improvements to the bill as reported by the Judiciary Committee. The new language in the bill makes it clear that the sole purpose of the bill is to allow unlocking in order to switch carriers.

This bipartisan legislation enhances consumer choice in the cell phone market, and accordingly, I urge my colleagues to support the legislation.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ), a member of the Judiciary Committee.

Mr. CHAFFETZ. I thank the gentleman from Virginia, Chairman GOODLATTE, for his leadership on this issue.

We woke up one day, Mr. Speaker, and the Library of Congress—the Library of Congress—decided that, if you unlocked your cell phone, that that would be a felony—a felony.

You go and buy a mobile phone. It is your phone. You own it. The current law on the books today, if you go to unlock that phone, you have committed a felony in the United States of America.

You have got to be kidding me. It is a felony to unlock your cell phone?

This bill today is short, sweet, and is simple. It is not a big, broad review of the DMCA. We are just trying to do something simple. We have an opportunity to make sure that that good person at home who wants to unlock their phone doesn't commit a felony. It is that short. It is that sweet. It is that simple.

I stand with Representatives LOFGREN, POLIS, and others who want to look at this bigger, broader reform. But for today, could we please just make sure that it is not a felony to unlock your own phone? My goodness. We can do that. We can do that.

I urge a ''yes'' vote on this bill. I appreciate the chairman's leadership. Let's get this done. Vote ''yes.''

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

In listening to the gentleman from California (Mr. ISSA), there was a discussion of to what degree does this language interfere with potential and existing business models, and I agree with them. There are many workarounds. I think the danger here is invoking the language of copyright in an unrelated area.

To quote from Public Knowledge: this new language, even if Congress believes that bulk unlocking is a problem, it is clear that it is not a copyright problem. Just as individual unlocking is not a copyright problem, a bill designed to scale back overreaching copyright laws should not also endorse an overreach of copyright law.

I have a full statement from Public Knowledge that I will submit for the RECORD, Mr. Speaker. And as put by the Electronic Frontier Foundation, by expressly excluding bulk unlocking, this new legislation sends two dangerous signals: one, that Congress is okay with using copyright as an excuse to inhibit certain business models, even if the business isn't actually infringing on any of its copyrights; and, two, that Congress still doesn't understand the collateral damage section 1201 is causing.

For example, bulk unlocking not only benefits consumers, but it is also good for the environment. Unlocking allows reuse, and that means less electronic waste. I will be submitting the Electronic Frontier Foundation statement into the RECORD.

Again, the bill, as it passed committee, didn't weigh in on these matters of bulk unlocking and was satisfactory to consumer advocacy groups, including those that have now come out in opposition to this underlying bill.

Many of the arguments that the gentleman from Virginia (Mr. GOODLATTE) made about the potential use of phones for criminal purposes may, in fact, be valid arguments and may, in fact, deserve policy responses, but not within the realm of copyright law.

They deserve appropriate attention within the realm of criminal law and perhaps might prevail upon the expertise of both of my colleagues from Virginia, who know far more about these matters than I.

But if there need to be harsher penalties or more enforcement within criminal law with regard to the illegal use of cell phones, whether locked or unlocked, or illicit transactions, that would be an appropriate venue.

□ 1615

But invoking copyright law is a very dangerous precedent for an unrelated area. We did reach a bipartisan consensus on this bill in July, but at the last minute after the bill was marked up and reported out, this new language was added to the bill that would have negative effects on consumers' ability to unlock their phones.

The new language specifically states that the bill does not apply to bulk unlocking. Now, that signals that Congress believes that it is illegal for companies, including many small businesses and start-ups, to unlock cell phones in bulk, again, as Mr. ISSA pointed out, not binding language, not something that immediately would be used to prosecute a small business, but it would create greater uncertainty—not less uncertainty—around unlocking of cell phones in bulk, which could make it more difficult for consumers to buy an already unlocked, used cell phone. Again, since many consumers lack the technical expertise themselves to unlock cell phones, we want to ensure that they have availability to purchase unlocked cell phones and use them with the carrier of their choice.

Again, this is an inappropriate use of copyright law to bar small businesses and large businesses from unlocking devices when it has nothing to do with making illegal copies of protected works, the purpose of copyright law. Again, if there is a criminal problem, we should address that within the realm of criminal law and enforcement, not within the realm of copyright.

My colleague, Congresswoman LOFGREN, offered compromise language to Chairman GOODLATTE, but she reports back that this language was rejected because it was provided too late in the process. Again, I wish that Congresswoman LOFGREN and others were brought in earlier in the process. I think there was the general assumption among the advocates on my side of the bill and that encourage more consumer choice that the bill, as reported

from committee, would be the bill that was considered on the floor, as is traditionally done.

Unfortunately, we are not voting on that bill that had that bipartisan consensus in committee. The bill has changed, and the bill now can be perceived as picking sides with regard to congressional intent of application of copyright law for bulk unlocking, something that many of us see as a negative precedent with regard to consumer choice and overreach of using copyright law to protect incumbent advantages.

But, Mr. Speaker, it is never too late to reach a compromise. There is no rush to bring this bill to the floor today. There is a temporary agreement in place which offers consumers the same protections that are considered under this bill, and I hope that the chair and ranking member consider working to improve this bill so that it can pass this body unanimously. It doesn't need to be a controversial bill.

I fear that the bill currently before us, while, again, it enshrines some of the current protections that protect consumers that Mr. CHAFFETZ talked so passionately about, also, unfortunately, weighs in in applying copyright law in an unrelated area that can have the effect of restricting consumer choice.

I reserve the balance of my time.

REP. GOODLATTE SLIPS SECRET CHANGE INTO PHONE UNLOCKING BILL THAT OPENS THE DMCA UP FOR WIDER ABUSE

(By Mike Masnick)

As you may recall, there's been a ridiculous (on many levels) fight concerning the legality of ''unlocking'' mobile phones. Let's go through the history first. Because of section 1201 of the DMCA, the ''anti-circumvention'' provision, companies have been abusing copyright law to block all sorts of actions that are totally unrelated to copyright. That's because 1201 makes it illegal to circumvent basically any ''technological protection measures.'' The intent of the copyright maximalists was to use this section to stop people from breaking DRM. However, other companies soon distorted the language to argue that it could be used to block certain actions totally unrelated to copyright law—such as unlocking garage doors, ink jet cartridges, gaming accessories . . . and phones. There have been court cases about a number of these issues, with (thankfully) many courts ruling against this kind of abuse, though it still happens.

Separately, every three years, the Librarian of Congress gets to announce ''exemptions'' to section 1201 where it feels that things are being locked up that shouldn't be. Back in 2006, one of these exemptions involved mobile phone unlocking. Every three years this exemption was modified a bit, but in 2012, for unexplained reasons, the Librarian of Congress dropped that exemption entirely, meaning that starting in late January of 2013, it was possible to interpret the DMCA to mean that phone unlocking was illegal. In response to this there was a major White House petition—which got over 100,000 signatures, leading the White House to announce (just weeks later) that it thought unlocking should be legal—though, oddly, it seemed to place the issue with the FCC to fix, rather than recognizing the problem was with current copyright law.

Following this, a slew of new bills were introduced in Congress, many of which attempted to narrowly deal with the specific issue, while leaving the larger issues untouched. Many of these bills were incredibly problematic, though eventually the consensus seemed to get behind one bill before . . . nothing. Fast forward a year and nothing has changed, though the main bill, supported by Rep. Goodlatte, called the Unlocking Consumer Choice Act, is scheduled to go to a vote on Tuesday. It had gone through the basic markup process and some adjustments had been made to make it a good first step towards fixing problems.

As of last week, a bunch of folks, who were concerned about the issues with unlocking and how Section 1201 was a problem, were supportive of this bill and were expecting to publicly speak out in favor of getting the bill passed. Except . . . late last week, with no explanation whatsoever, and no consultation with others even though the markup and Judiciary Committee process had already concluded, Rep. GOODLATTE slipped into the bill a little poison pill/favor to big phone companies, adding a seemingly innocuous statement as section (c)(2):

No Bulk Unlocking—Nothing in this subsection shall be construed to permit the unlocking of wireless handsets or other wireless devices, for the purpose of bulk resale, or to authorize the Librarian of Congress to authorize circumvention for such purpose under this Act, title 17, United States Code, or any other provision of law.

While this gives GOODLATTE and other maximalists some sort of plausible deniability that this bill is making no statement one way or the other on bulk unlocking, it certainly very strongly implies that Congress believes bulk unlocking is, in fact, still illegal. And that's massively problematic on any number of levels, in part suggesting that the unlocker's motives in unlocking has an impact on the determination under Section 1201 as to whether or not it's legal. And that's an entirely subjective distinction when a bill seems to assume motives, which makes an already problematic Section 1201 much more problematic. Without that clause, this seemed like a bill that was making it clear that you can't use the DMCA to interfere with an issue that is clearly unrelated to copyright, such as phone unlocking. But with this clause, it suggests that perhaps the DMCA's anti-circumvention clause can be used for entirely non-copyright issues if someone doesn't like the ''motive'' behind the unlocker.

Given that, both Public Knowledge and EFF have pulled their support for the bill. As Public Knowledge noted:

''The new language specifically excluding bulk unlocking could indicate that the drafters believe that phone unlocking has something to do with copyright law. This is not a position we support. Even if Congress believes that bulk unlocking is a problem, it's clear that it's not a copyright problem, just as individual unlocking is not a copyright problem. A bill designed to scale back overreaching copyright laws should not also endorse an overreach of copyright law.''

EFF made a similar statement:

By expressly excluding [bulk unlocking], this new legislation sends two dangerous signals: (1) that Congress is OK with using copyright as an excuse to inhibit certain business models, even if the business isn't actually infringing anyone's copyright; and (2) that Congress still doesn't understand the collateral damage Section 1201 is causing. For example, bulk unlocking not only benefits consumers, it's good for the environment—unlocking allows re-use, and that means less electronic waste

Two members of Congress who have been closely associated with these issues, Reps. Zoe Lofgren and Anna Eshoo, also pulled their support of the bill late Monday as well, expressing their clear outrage at how this change was slipped in after the fact, in a letter sent to their colleagues in the House:

After this bill was marked up and reported out of committee, a new section was added to the bill without notice to or consultation with us. . . .

They furthermore point out that it's ridiculous that Congress is not fixing the broken anti-circumvention parts of the DMCA, and could possibly be strengthening them with this sneaky change of language:

In his concurring opinion in Lexmark v. Static Control Components, Judge Merritt wrote: ''We should make clear that in the future companies like Lexmark cannot use the DMCA in conjunction with copyright law to create monopolies of manufactured goods for themselves . . .'' The court's holding prevented Lexmark from using dubious copyright claims and an overboard reading of 17 USC 1201—the same section the Unlocking Consumer Choice Act alters—to prevent third parties from creating competing printer ink cartridges. The issue is similar here.

UNLOCKING TO GET A VOTE IN CONGRESS, BUT THE BILL IS FLAWED

(By Troy Wolverton)

Congress on Tuesday is expected to take up the issue of cell phone unlocking. But what started out as an effort to restore consumer rights may end up being a setback to consumers.

While consumers may soon be able to legally unlock their cell phones again, the bill that would temporarily restore that right would essentially prohibit companies from making a business doing the same thing. In other words, while you could legally unlock your own cell phone—if you can figure out how to do it—you might have a difficult time buying an already unlocked used cell phone—because few of them would be on the market.

That wasn't how the bill, H.R. 1123, was originally written or what it stated when it was voted out of committee. Instead, the bill simply would have set aside for the next year or so a regulatory ruling from last year and allowed anyone—consumer or business—to unlock cell phones individually or in bulk.

But late last week, new language barring bulk unlocking was added surreptitiously to the bill. Although the new language wasn't subject to any hearings or public debate, it's included in the bill that will be voted on by Congress. What's worse is that the bill will apparently be voted on using a special procedure that would essentially bar both debate on the floor of the House and amendments to the bill.

The change to the bill was so substantial that Derek Khanna, a former Republican congressional staffer who started the campaign to reverse the regulatory ruling on unlocking and has worked for the past year to keep the issue alive, has become lukewarm on the bill, calling the new language ''troublesome.'' While he's still backing the bill, Khanna expressed hope that the Senate, when considering the issue, would work on a bill without the bulk unlocking ban.

Other former backers have now dropped their support for the unlocking bill. Among them: the Electronic Frontier Foundation, consumer advocacy group Public Knowledge and local Democratic representatives Anna Eshoo and Zoe Lofgren.

''We're all for phone freedom and we wish we could support the bill. Unfortunately, however, the costs for users outweigh the benefits,'' the EFF said in statement.

Cell phone manufacturers and carriers frequently use software to bind or lock devices

to particular networks. The locks are meant to make it difficult for consumers to take their devices with them to another carrier. Manufacturers and carriers say the locks are important to their businesses, allowing them to develop exclusive devices that can attract or retain consumers. Consumer advocates, meanwhile, basically view them as tools that thwart competition in the marketplace and prevent consumers from being able to fully control the devices they own.

The locks are protected by an obscure portion of U.S. copyright law that forbids consumers and businesses from tampering with protections put in place by intellectual property owners to protect their works—even when what they want to do with those works is completely legal or covered by fair use.

The Librarian of Congress is charged with reviewing, every three years, potential exemptions to that copyright provision. Starting in 2006, the Librarian recognized an exception for cell phone unlocking.

But in late 2012, the Librarian, citing the growing number of unlocked devices on the market, announced that the exemption would be revoked. Early last year, unlocking cell phones again became illegal.

Ever since, consumers and their advocates have pressed policy makers to overturn the Librarian's ruling. A petition to President Obama last year, for example, received more than 114,000 signatures in a little more than a month.

At its base, the dispute over unlocking is about whether copyright law can be twisted to forbid otherwise legal activities. The copyright provision that prohibits the breaking of software locks was written as the age of digital information was just starting to take off. One of the features of digital information is that computers can be used to make perfect copies of originals. There was a real fear on the part of copyright holders that the market for their goods would be undermined by a flood of perfect digital copies of their works. Why buy a song from Apple if you can simply download the same one for free from Napster? The provision was written to allow copyright holders to protect their works from this kind of illicit mass copying.

But since then, the provision has been used to thwart all kinds of otherwise legitimate activities. Not only has the unlocking of cell phones been impeded by the provision, but so too have things like the ''jailbreaking'' of iPads so that they can run programs not approved by Apple, the making of printer cartridges by companies other than the printer manufacturer, and reporting on security vulnerabilities.

Advocates for a renewed right of unlocking generally oppose this kind of restrictive view of copyright. They'd like Congress or regulators to recognize that, in general, breaking software locks is OK if the intention is to do something legal, something that might be covered under fair use or other consumer rights.

What those advocates find objectionable about the bulk unlocking bar in the new bill is that it represents something of a Congressional imprimatur for the more restrictive view of copyright, one in which copyright law can be used to ban business practices that have nothing to do with making illicit copies of protected works.

As Eshoo and Lofgren put it in a joint statement today: ''Congress should work to roll back abusive practices that use copyright law to prevent owners from having control over the devices they lawfully own. What it means to 'own' a device that has been purchased is what's at stake here. The new addition to the bill puts the effort to stand up for the property rights of the owners of technology devices at risk.''

Eshoo, Lofgren and other backers of unlocking have put their hope in a broader bill co-authored by the two that would grant a permanent right for consumers and businesses to unlock phones, but to circumvent software locks if the intent is to do something non-infringing.

As I wrote in my column today, I think that bill is a long shot, given the current dysfunction of Congress. Instead, I argued that the Federal Communications Commission should simply step in now and bar the locking of cell phones to particular carriers.

[From washingtonpost.com, Feb. 21, 2014]

HERE'S WHAT REFORMERS SAY IS MISSING FROM CONGRESS CELLPHONE UNLOCKING BILL

(By Timothy B. Lee)

Almost everyone agrees that unlocking your cellphone should be legal. But crafting legislation to give consumers the freedom everyone agrees they should have is surprisingly difficult.

The debate over cellphone unlocking started about a year ago, when a ruling by the Library of Congress suggested that unlocking your cellphone to take it to another wireless carrier could run afoul of copyright law. That triggered a grassroots backlash, prompting members of Congress and even the White House to support overruling the Librarian's ruling.

But crafting legislation to permit cellphone unlocking has been surprisingly complicated. Rep. Bob Goodlatte (R–Va.), the chairman of the House Judiciary Committee, has introduced legislation permitting consumers to unlock their cellphones. But that legislation has gotten lukewarm support from public interest groups who say it doesn't go far enough in recognizing consumer rights.

On Friday, the advocacy group Public Knowledge announced it was withdrawing support from Goodlatte's bill after the chairman introduced a new version. The new version includes language permitting individuals to unlock their cellphones. But the legislation states that ''nothing in this subsection shall be construed to permit the unlocking of wireless handsets or other wireless devices, for the purpose of bulk resale.''

The problem, according to Public Knowledge's Sherwin Siy, is that the DMCA shouldn't apply to phone unlocking—''bulk'' or otherwise—in the first place. The DMCA was supposed to be about preventing piracy, not limiting what consumers do with their gadgets. The new Goodlatte bill ''doesn't prevent bulk unlocking but it certainly seems to suggest Congress thinks it's already prohibited,'' Siy says. That could be a step backwards.

The issue has significance well beyond cellphones. More and more of the products in our daily lives have computers embedded in them. If it's illegal to unlock your cellphone, it might be illegal to modify or repair a wide variety of other products. For example, all modern cars have computers embedded in them, and repairing a car increasingly requires accessing its onboard software. Could car manufacturers invoke the DMCA to prevent unauthorized repair work?

An aide to the judiciary committee insists that critics like Siy are over-reading the legislation. The bill is intended to allow cellphone unlocking, the aide says, without affecting broader questions about the scope of the DMCA. Those broader issues will be tackled later, as part of a broader review of U.S. copyright law.

But the current furor over cellphone unlocking represents a rare opportunity to craft DMCA reform that could actually pass Congress. If Congress passes narrow legislation fixing only the most obvious abuse of the DMCA, there might not be enough political capital left for a broader reform later on.

The Electronic Frontier Foundation, another public interest group that favors overhauling the DMCA, shares Siy's concern. ''We are deeply concerned that the bill has new language excluding bulk unlocking,'' EFF's Corynne McSherry says. ''Unlocking, whether individually or in bulk, makes reuse and repair possible, and is a public benefit. It should be clearly lawful.''

Mr. GOODLATTE. Mr. Speaker, I yield myself 1 minute to say to the gentleman from Colorado, I understand that you would like to see copyright law changed. But the fact of the matter is this is copyright law, and so the fact of the matter is right now consumers cannot legally unlock their phones, and we need to fix that problem. We have been working to do it.

I have worked very closely with the ranking member of the full committee and the ranking member of the subcommittee on the Judiciary Committee so that this change that was made is bipartisan. It should come as a surprise to no one because we, in fact, discussed this during the markup of the bill in the committee. When we did discuss that, we said we would continue to work with Members moving forward, and we came up with language that is bipartisan.

It is also supported, by the way, by Senator LEAHY and Senator GRASSLEY in the United States Senate. This is a bipartisan and bicameral compromise to move this legislation forward to address the concerns of organizations like the American Consumers Union supporting this legislation, the Small Business & Entrepreneurship Council, the Competitive Carriers Association, the CTIA, and also, importantly——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOODLATTE. I yield myself an additional 30 seconds. I will read very briefly from the letter from the National Fraternal Order of Police.

It says: ''As Congress contemplates legislation to facilitate lawful unlocking by individuals, either for themselves or for devices on a family plan, we urge you to retain the prohibition on bulk unlocking consistent with both the 2010 and 2012 decisions from the Copyright Office. We believe that maintaining this prohibition will reduce smartphone thefts because the criminal sale of these devices will no longer be as profitable.''

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT) for purposes of a colloquy.

Mr. SCOTT of Virginia. Mr. Speaker, I would like to engage the chairman in a colloquy.

Mr. Chairman, am I correct that this legislation is meant to preserve the Registrar of Copyrights' findings on bulk resale of new phones in both the 2010 and 2012 rulemakings and is not intended to apply to used phones?

Mr. GOODLATTE. Will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Virginia.

Mr. GOODLATTE. That is correct. This legislation is not intended to impair unlocking related to family plans consisting of a small number of handsets or of used phones by legitimate recyclers or resellers. The objective of this savings clause is to make it clear that the legislation does not cover those engaged in subsidy arbitrage or in attempting to use the unlocking process to further traffic in stolen devices.

Mr. SCOTT of Virginia. Thank you, Mr. Chairman.

Also, I think you have indicated that the Fraternal Order of Police is supportive of this provision as well?

Mr. GOODLATTE. That is correct.

Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Judiciary Committee.

Mr. COLLINS of Georgia. Thank you, Mr. Chairman.

Mr. Speaker, again, as we come here to talk about this, I join and associate myself with the gentleman from Utah and also the other comments that have been made here. We are looking to protect consumers. I enjoy the opportunity to go forward and look at an issue which we are supportive of: consumer choice.

As a member of the Judiciary Committee's IP Subcommittee, I believe if a consumer has met their contractual obligations with a service provider, then they should have the right to unlock and use the device with another carrier.

Our Nation's intellectual property law should prioritize three things: innovation, creation, and competition. Frankly, holding consumers hostage to their carrier fails to pass the smell test in this category.

We live in an age where consumers want choice, access, and freedom. Although carriers may have to evolve and develop to address the changes that this legislation may have on their business models, I am confident that any changes made will only better serve the consumer and promote competition.

It is with that in mind that I understand the gentleman from Colorado, and I understand the thought, because I actually had passed and do support the larger measure that came out of the Judiciary Committee. But also, in taking into account, there is a process here in which I believe that immediate help to consumers is the bigger issue and would be willing and will work, as I have stated before, for the larger measures that have been talked about here before. However, to hold this bill as it is and say this is not something to move forward on I can't accept and would urge all Members to accept this bill. It is a process of moving forward.

I do not believe that there is picking sides here. In fact, what I believe is happening here is we are protecting consumers and moving the discussion down the line. That is what we are sent here to do, and I believe this is a good balance between the two.

I respect the gentleman from Colorado and, Mr. Speaker, believe that we can work further on this, but this is a bill that needs to be passed today so we can move on and protect our consumers.

Mr. Chairman, I appreciate your work and the work of the committee in doing so. This is a matter of consumers, this is a matter of choice, and we need to make sure that this body stands for that.

Mr. POLIS. I would like to inquire, Mr. Speaker, as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Colorado has 7½ minutes remaining. The gentleman from Virginia has 8 minutes remaining.

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

Again, there seems to be some strong, bipartisan consensus here that there remains more work to be done. As Representative CHAFFETZ said, we do need a long-term solution. We need to ensure that any solution we enter is not compromised by our Nation's trade agreements to ensure that consumers are protected in control of their own devices in choosing the plan that they desire.

The language in question that was added after the bipartisan consensus was reached in committee is not operative language. It is not language that criminalizes something that wasn't criminal before or proactively bans the bulk sale of phones. What it does explicitly do is establish some degree of congressional intent.

Perhaps this colloquy between the two gentlemen from Virginia helped roll back a part of what could be read in the congressional intent of this language, and I am appreciative of that effort. However, congressional intent could, nevertheless, be construed that there is an imprint, there is a congressional desire to use a more restrictive view of copyright, one in which copyright laws can be used to ban business practices that have nothing to do with making illicit copies of protected works.

Copyrights are a very important area of law. It is meant to protect the creator of a work from having their work ripped off and sold and others profit at their expense. However, it is difficult to see, and this is why so many of us were critical of the Librarian of Congress' initial decision. It is very difficult to see what the nexus is between unlocking cell phones and copyright.

By adding this language in, it adds some degree of congressional perception that copyright law can be what many of us feel to be abused in this manner that reduces consumer choice and does not protect any legitimate creator of a work. Again, to the extent there are concerns from police and law enforcement officials with regard to how unlocked or locked cell phones are being used for transactions that are otherwise illegal, that is a question of criminal law and enforcement and something that I would hope to be certainly supportive of efforts within Judiciary or Homeland Security or other committees to ensure that we reduce crime across all of those. But let's not give the court's ruling on these actions a reason to think that perhaps Congress condones them.

Again, having my colleagues on both sides of the aisle on the RECORD talking about how this bill is simply a first step and how we need to go further and, of course, not backing away from the initial committee markup of the bill, it is certainly also helpful in establishing congressional intent. And that is really what we are talking about here. We are not talking about binding language where before this bill passes somebody doesn't go to jail, after this bill passes they do. We are talking about potential use and precedent going forward with regard to how copyright law can, from my perception, be misapplied to reduce consumer choice in areas that are unrelated to the purpose of copyright protection.

That is why I continue to stand in opposition to this bill, certainly appreciating the step forward of enshrining in law potentially that it is no criminal penalty for an individual unlocking their own cell phone. But, again, we want to make sure it doesn't happen at the expense of moving the entire discussion in the wrong direction.

An opinion in yesterday's L.A. Times was headlined, ''The House's cell phone unlocking bill: Thanks but no thanks.'' I would like to submit the L.A. Times op-ed into the RECORD, Mr. Speaker.

I reserve the balance of my time.

[From the Los Angeles Times, Feb. 25, 2014]

THE HOUSE'S CELLPHONE UNLOCKING BILL: THANKS BUT NO THANKS

(By Jon Healey)

How hard can it be for Congress to make it legal for consumers to switch mobile networks without having to buy a new phone?

Too hard, evidently.

The House is scheduled to vote Tuesday on a bill that was supposed to clear the way for consumers to unlock the phones they buy from wireless companies after they've fulfilled their contracts. But the measure, which was modest to begin with, has been rendered irrelevant by voluntary agreements on unlocking that the Federal Communications Commission obtained from the wireless companies. The bill was also changed at the last minute in a way that arguably weakens consumers' ownership rights, prompting some consumer advocates and Democrats to withdraw their support.

The current version is so bad, consumers would be better off if Congress did nothing at all.

At issue is a dubious interpretation of copyright law that deters people from moving their phones from one network to another. Each mobile carrier typically sells phones with electronic locks that prevent them from being reprogrammed to work on rival carriers' networks. The U.S. Copyright Office, acting through the Librarian of Congress, ruled in 2012 that removing the locks violated the 1998 Digital Millennium Copyright Act, which forbids the circumvention of technologies that protect copyrighted works.

The ruling was bizarre, considering that the locks inside phones don't protect against

software piracy; their only real purpose is to protect the mobile carriers' business model. And the carriers have (and use) better tools to recover the subsidies they put into the phones they sell, most notably contracts that impose hefty early termination penalties.

The 1998 law requires the Librarian of Congress to revisit the anti-circumvention rules every three years, which means the Electronic Frontier Foundation and other consumer advocates can try to set things right in 2015. Sadly, however, the default interpretation of the cellphone locks is that they are covered by the anti-circumvention ban.

The Copyright Office's decision, which took effect early last year, led more than 100,000 people to petition the White House for help. Tech-friendly lawmakers lined up to offer bills, including an elegantly simple one by Sen. AMY KLOBUCHAR (D–Wis.) that would require mobile companies to let customers unlock the wireless devices they buy, and a more sweeping proposal by Sen. RON WYDEN (D–Ore.) to exempt wireless device unlocking from the anti-circumvention ban.

The best of the bunch was a bill by Rep. ZOE LOFGREN (D–San Jose) and a bipartisan group of co-sponsors to limit the 1998 law's anti-circumvention rules to locks that protect against piracy. That bill also would have declared that it was not copyright infringement for the owner of a mobile device to unlock it for the purpose of switching to another network.

The House, however, is scheduled to take up a different measure Tuesday afternoon, H.R. 1123 by Judiciary Committee Chairman BOB GOODLATTE (R–Va.) and co-sponsors from both parties. As introduced, it would simply have replaced the Copyright Office's 2012 ruling with its decision in 2010 that cellphone owners could unlock their phones without running afoul of copyrights. It also would have called on the Librarian of Congress to decide within a year whether to extend the exemption to all other locked wireless devices, such as tablets.

The relief offered by the bill would have remained in effect only until the Librarian of Congress reviewed the anti-circumvention rules again in 2015, so it hardly seemed worth the effort. The version that the House is slated to vote on Tuesday also includes a new provision effectively barring devices from being unlocked in bulk for the purpose of reselling them.

The latter change disturbed LOFGREN (a member of Goodlatte's committee) and fellow Silicon Valley Democrat ANNA ESHOO, who accused Republicans of adding the provision in secret after the Judiciary Committee approved the bill. The proposed ban on unlocking for the sake of resale, they argued in a letter to colleagues Monday, is an inappropriate use of copyright law to stop people from disposing of the devices they buy as they please.

''Congress should work to roll back abusive practices that use copyright law to prevent owners from having control over the devices they lawfully own,'' LOFGREN and ESHOO wrote. ''What it means to 'own' a device that has been purchased is what's at stake here. The new addition to the bill puts the effort to stand up for the property rights of the owners of technology devices at risk.''

Public Knowledge, a technology advocacy group, agreed. ''Even if Congress believes that bulk unlocking is a problem, it's clear that it's not a copyright problem, just as individual unlocking is not a copyright problem,'' said Sherwin Siy, the group's vice president of legal affairs. ''A bill designed to scale back overreaching copyright laws should not also endorse an overreach of copyright law.''

Both Public Knowledge and the Electronic Frontier Foundation withdrew their support for the measure after the new provision was disclosed last week.

The House plans to bring up HR 1123 under an expedited procedure that forbids amendments but requires a two-thirds vote to pass. With some luck, LOFGREN and ESHOO can rally all the supposedly tech-friendly members in the chamber to knock the bill off track.

As you may recall, there's been a ridiculous (on many levels) fight concerning the legality of ''unlocking'' mobile phones. Let's go through the history first. Because of section 1201 of the DMCA, the ''anti-circumvention'' provision, companies have been abusing copyright law to block all sorts of actions that are totally unrelated to copyright. That's because 1201 makes it illegal to circumvent basically any ''technological protection measures.'' The intent of the copyright maximalists was to use this section to stop people from breaking DRM. However, other companies soon distorted the language to argue that it could be used to block certain actions totally unrelated to copyright law—such as unlocking garage doors, ink jet cartridges, gaming accessories . . . and phones. There have been court cases about a number of these issues, with (thankfully) many courts ruling against this kind of abuse, though it still happens.

Separately, every three years, the Librarian of Congress gets to announce ''exemptions'' to section 1201 where it feels that things are being locked up that shouldn't be. Back in 2006, one of these exemptions involved mobile phone unlocking. Every three years this exemption was modified a bit, but in 2012, for unexplained reasons, the Librarian of Congress dropped that exemption entirely, meaning that starting in late January of 2013, it was possible to interpret the DMCA to mean that phone unlocking was illegal. In response to this there was a major White House petition—which got over 100,000 signatures, leading the White House to announce (just weeks later) that it thought unlocking should be legal—though, oddly, it seemed to place the issue with the FCC to fix, rather than recognizing the problem was with current copyright law.

Following this, a slew of new bills were introduced in Congress, many of which attempted to narrowly deal with the specific issue, while leaving the larger issues untouched. Many of these bills were incredibly problematic, though eventually the consensus seemed to get behind one bill before... nothing. Fast forward a year and nothing has changed, though the main bill, supported by Rep. Goodlatte, called the Unlocking Consumer Choice Act, is scheduled to go to a vote on Tuesday. It had gone through the basic markup process and some adjustments had been made to make it a good first step towards fixing problems.

As of last week, a bunch of folks, who were concerned about the issues with unlocking and how Section 1201 was a problem, were supportive of this bill and were expecting to publicly speak out in favor of getting the bill passed. Except... late last week, with no explanation whatsoever, and no consultation with others even though the markup and Judiciary Committee process had already concluded, Rep. GOODLATTE slipped into the bill a little poison pill/favor to big phone companies, adding a seemingly innocuous statement as section (c)(2):

No Bulk Unlocking—Nothing in this subsection shall be construed to permit the unlocking of wireless handsets or other wireless devices, for the purpose of bulk resale, or to authorize the Librarian of Congress to authorize circumvention for such purpose under this Act, title 17, United States Code, or any other provision of law.

While this gives GOODLATTE and other maximalists some sort of plausible deniability that this bill is making no statement one way or the other on bulk unlocking, it certainly very strongly implies that Congress believes bulk unlocking is, in fact, still illegal. And that's massively problematic on any number of levels, in part suggesting that the unlocker's motives in unlocking has an impact on the determination under Section 1201 as to whether or not it's legal. And that's an entirely subjective distinction when a bill seems to assume motives, which makes an already problematic Section 1201 much more problematic. Without that clause, this seemed like a bill that was making it clear that you can't use the DMCA to interfere with an issue that is clearly unrelated to copyright, such as phone unlocking. But with this clause, it suggests that perhaps the DMCA's anti-circumvention clause can be used for entirely non-copyright issues if someone doesn't like the ''motive'' behind the unlocker.

Given that, both Public Knowledge and EFF have pulled their support for the bill. As Public Knowledge noted:

''The new language specifically excluding bulk unlocking could indicate that the drafters believe that phone unlocking has something to do with copyright law. This is not a position we support. Even if Congress believes that bulk unlocking is a problem, it's clear that it's not a copyright problem, just as individual unlocking is not a copyright problem. A bill designed to scale back overreaching copyright laws should not also endorse an overreach of copyright law.''

EFF made a similar statement:

By expressly excluding [bulk unlocking], this new legislation sends two dangerous signals: (1) that Congress is OK with using copyright as an excuse to inhibit certain business models, even if the business isn't actually infringing anyone's copyright; and (2) that Congress still doesn't understand the collateral damage Section 1201 is causing. For example, bulk unlocking not only benefits consumers, it's good for the environment—unlocking allows re-use, and that means less electronic waste

Two members of Congress who have been closely associated with these issues, Reps. ZOE LOFGREN and ANNA ESHOO, also pulled their support of the bill late Monday as well, expressing their clear outrage at how this change was slipped in after the fact, in a letter sent to their colleagues in the House:

After this bill was marked up and reported out of committee, a new section was added to the bill without notice to or consultation with us. . . .

They furthermore point out that it's ridiculous that Congress is not fixing the broken anti-circumvention parts of the DMCA, and could possibly be strengthening them with this sneaky change of language:

In his concurring opinion in Lexmark v. Static Control Components, Judge Merritt wrote: ''We should make clear that in the future companies like Lexmark cannot use the DMCA in conjunction with copyright law to create monopolies of manufactured goods for themselves . . .'' The court's holding prevented Lexmark from using dubious copyright claims and an overboard reading of 17 USC 1201—the same section the Unlocking Consumer Choice Act alters—to prevent third parties from creating competing printer ink cartridges. The issue is similar here.

Congress should work to roll back abusive practices that use copyright law to prevent owners from having control over the devices they lawfully own. What it means to ''own'' a device that has been purchased is what's at stake here. The new addition to the bill puts the effort to stand up for the property rights of the owners of technology devices at risk.

It is sad that the bipartisan consensus reached during mark-up in the Judiciary

committee to improve the law has been destroyed by a secret decision of the majority after the bill was reported out.

Unfortunately, the bill was deemed so uncontroversial that it's been listed on the suspension calendar of the House, which is where non-controversial bills are put to ensure quick passage. That means that, not only did Goodlatte slip in a significant change to this bill that impacts the entire meaning and intent of the bill long after it went through the committee process (and without informing anyone about it), but he also got it put on the list of non-controversial bills to try to have it slip through without anyone even noticing.

Either way, it seems that even if the bill does pass, it won't do anything to fix a very broken part of the DMCA and, in fact, could make it somewhat worse. Politics as usual when it comes to anything having to do with copyright.

Mr. GOODLATTE. Mr. Speaker, I am the last speaker remaining on our side. I believe I have the right to close, so if the gentleman has anything else he would like to say.

Mr. POLIS. Mr. Speaker, I am prepared to close, and I yield myself the balance of my time.

I am heartened by the discussion on both sides of the aisle with regard to the path forward. I wish we could be at a better place today. I think we had a bill that was reported out of committee that would not have engendered, I don't believe, any degree of controversy here on the floor of the House.

We have now moved to a place where the bill does invoke some degree of appropriate controversy and some degree of appropriate opposition. I would advance that it is never too late to reach a compromise, either before this bill is voted upon—perhaps my colleague, Mr. GOODLATTE, will be willing to consider Ms. LOFGREN's language change—or after this bill passes. I think that we would all agree that this issue is not one in any way, shape, or form that is being put to bed here today.

I would hope that, as a guiding principle, Members on both sides of the aisle look to consumer choice and the power of markets to achieve the best outcome and ensure that incumbents don't seek to co-opt copyright law to the detriment of our economy and the detriment of consumer choice.

□ 1630

Again, this bill has language that can be construed as applying copyright law in another area and having a congressional blessing to do so, which is why I encourage my colleagues to join Electronic Frontier Foundation, Public Knowledge, Generation Opportunity, FreedomWorks, and iFixit, and some of those very organizations that were in the forefront of proposing that we pass a bill that allows unlocking that have since withdrawn their support from this bill because of the last-minute changes, which I saw for the first time yesterday and that I wish this House had a bigger opportunity to vet, perhaps bringing this bill forward under a rule if the suspension motion fails.

If a third of the Members of the House oppose, we would have an opportunity to remedy this bill under a rule that was hopefully structured to allow for compromise language that would then allow the bill to proceed with near unanimity. I hope my colleagues on both sides of the aisle see that as an opportunity, certainly not as a rebuke to the chair and ranking member on the committee. We appreciate the direction and the intent behind this bill, their desire to make sure that Americans know that they are not under duress or a criminal threat if they are unlocking their own cell phone. That is a sentiment that both the chair and the ranking member have echoed passionately, but I think we can do better with regard to ensuring that this bill is also not a precedent for the use of overreaching copyright law and a congressional blessing to do so in a way that hampers the trade, the bulk trade of unlocked cell phones which offer great potential benefits to the marketplace and to consumers.

So I urge my colleagues to vote ''no'' on this suspension bill, to consider working with both sides to get to ''yes,'' and to move in a direction that we look at as a guiding principle, ensuring that consumers and the marketplace are allowed to fully operate without the co-option of copyright law to protect incumbents.

I yield back the balance of my time.

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

I would just say to the gentleman from Colorado, I understand his larger aspirations with regard to changes in copyright law. The committee recognizes that our copyright laws have not been amended in 40 years, and that we are conducting a comprehensive review. We have held many hearings on copyright issues already. We have many more planned, and we are going to continue that work, but this small bill to protect the rights of consumers on cell phone unlocking does not meet his aspirations to try to use it as a vehicle for greater things being done here because it is intended to be a narrow fix to a problem that was created when the Register of Copyrights did not take the necessary steps to allow the continued unlocking of cell phones.

So it has taken a great deal of bipartisan work on the part of the ranking member and myself; the ranking member of the subcommittee, who had objections to the bill as reported out of the committee, has since left Congress, and the new ranking member has signed off on the change that was made here to bring organizations like the Fraternal Order of Police into acceptance of this, and we still have the support of important consumer organizations, like Consumers Union, as well as the cell phone industry organizations. As a result, this legislation needs to move forward as it is today.

The savings clause that the gentleman objects to is meant to make it clear that this is focused on consumers and not on the larger issues. If enacting in one area as we are in this very narrow, targeted bill, we sent a signal in another area, and a signal is what the gentleman identifies, we would never enact anything. So it is important that we address what is in this bill, the language that was worked out in the committee, that was discussed in the committee, that was then worked out further as the bill was reported to the floor, and pass this legislation today, and we can work on these broader issues in the future, but in the meantime, we need to protect the rights of our consumers to unlock the phones that they own when they purchase a used cell phone.

Ms. LOFGREN. Will the gentleman yield?

Mr. GOODLATTE. I am happy to yield briefly to the gentlewoman.

Ms. LOFGREN. I appreciate the gentleman yielding. I was delayed at the airport. I just wanted to indicate my opposition to the bill since it has been changed, noting that Public Knowledge in the Los Angeles Times said today that we would be better off doing nothing than the bill as changed. I have talked to the chairman about this, but I wanted to make my position clear. If we do not pass this bill because of the Obama administration's deal with the telecoms, consumers will still be able to unlock their phones. This is a step backwards.

I very much appreciate the gentleman's courtesy in yielding.

Mr. GOODLATTE. Reclaiming my time, what the gentlewoman says is, indeed, true; that there is a private agreement, but that private agreement cannot and does not mitigate the fact that the act of unlocking a cell phone carries with it a felony penalty under the law, and that is absolutely ridiculous. So this legislation needs to be passed, and we can then move on to have the larger debate about the importance of cell phone unlocking—or rather, section 1201 of the DMCA, and other issues as we move forward on various copyright issues in the committee, but now is not the place, now is not the time to have that debate.

This simple, bipartisan legislation should be passed by the House. I urge my colleagues to support the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1123, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

PRIVATE PROPERTY RIGHTS PROTECTION ACT OF 2013

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1944) to protect private property rights.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1944

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 ''Private Property Rights Protection Act of 2013''.

SEC. 2. PROHIBITION ON EMINENT DOMAIN ABUSE BY STATES.

(a) IN GENERAL.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property to be used for economic development or over property that is used for economic development within 7 years after that exercise, if that State or political subdivision receives Federal economic development funds during any fiscal year in which the property is so used or intended to be used.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) OPPORTUNITY TO CURE VIOLATION.—A State or political subdivision shall not be ineligible for any Federal economic development funds under subsection (b) if such State or political subdivision returns all real property the taking of which was found by a court of competent jurisdiction to have constituted a violation of subsection (a) and replaces any other property destroyed and repairs any other property damaged as a result of such violation. In addition, the State or political subdivision must pay any applicable penalties and interest to reattain eligibility.

SEC. 3. PROHIBITION ON EMINENT DOMAIN ABUSE BY THE FEDERAL GOVERNMENT.

The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain to be used for economic development.

SEC. 4. PRIVATE RIGHT OF ACTION.

(a) CAUSE OF ACTION.—Any (1) owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, may bring an action to enforce any provision of this Act in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. Any such property owner or tenant may also seek an appropriate relief through a preliminary injunction or a temporary restraining order.

(b) LIMITATION ON BRINGING ACTION.—An action brought by a property owner or tenant under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of such property owner or tenant, but shall not be brought later than seven years following the conclusion of any such proceedings.

(c) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this Act, the court shall allow a prevailing plaintiff a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 5. REPORTING OF VIOLATIONS TO ATTORNEY GENERAL.

(a) SUBMISSION OF REPORT TO ATTORNEY GENERAL.—Any (1) owner of private property whose property is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, or (2) any tenant of property that is subject to eminent domain who suffers injury as a result of a violation of any provision of this Act with respect to that property, may report a violation by the Federal Government, any authority of the Federal Government, State, or political subdivision of a State to the Attorney General.

(b) INVESTIGATION BY ATTORNEY GENERAL.—Upon receiving a report of an alleged violation, the Attorney General shall conduct an investigation to determine whether a violation exists.

(c) NOTIFICATION OF VIOLATION.—If the Attorney General concludes that a violation does exist, then the Attorney General shall notify the Federal Government, authority of the Federal Government, State, or political subdivision of a State that the Attorney General has determined that it is in violation of the Act. The notification shall further provide that the Federal Government, State, or political subdivision of a State has 90 days from the date of the notification to demonstrate to the Attorney General either that (1) it is not in violation of the Act or (2) that it has cured its violation by returning all real property the taking of which the Attorney General finds to have constituted a violation of the Act and replacing any other property destroyed and repairing any other property damaged as a result of such violation.

(d) ATTORNEY GENERAL'S BRINGING OF ACTION TO ENFORCE ACT.—If, at the end of the 90-day period described in subsection (c), the Attorney General determines that the Federal Government, authority of the Federal Government, State, or political subdivision of a State is still violating the Act or has not cured its violation as described in subsection (c), then the Attorney General will bring an action to enforce the Act unless the property owner or tenant who reported the violation has already brought an action to enforce the Act. In such a case, the Attorney General shall intervene if it determines that intervention is necessary in order to enforce the Act. The Attorney General may file its lawsuit to enforce the Act in the appropriate Federal or State court. A State shall not be immune under the 11th Amendment to the Constitution of the United States from any such action in a Federal or State court of competent jurisdiction. In such action, the defendant has the burden to show by clear and convincing evidence that the taking is not for economic development. The Attorney General may seek any appropriate relief through a preliminary injunction or a temporary restraining order.

(e) LIMITATION ON BRINGING ACTION.—An action brought by the Attorney General under this Act may be brought if the property is used for economic development following the conclusion of any condemnation proceedings condemning the property of an owner or tenant who reports a violation of the Act to the Attorney General, but shall not be brought later than seven years following the conclusion of any such proceedings.

(f) ATTORNEYS' FEE AND OTHER COSTS.—In any action or proceeding under this Act brought by the Attorney General, the court shall, if the Attorney General is a prevailing plaintiff, award the Attorney General a reasonable attorneys' fee as part of the costs, and include expert fees as part of the attorneys' fee.

SEC. 6. NOTIFICATION BY ATTORNEY GENERAL.

(a) NOTIFICATION TO STATES AND POLITICAL SUBDIVISIONS.—

(1) Not later than 30 days after the enactment of this Act, the Attorney General shall provide to the chief executive officer of each State the text of this Act and a description of the rights of property owners and tenants under this Act.

(2) Not later than 120 days after the enactment of this Act, the Attorney General shall compile a list of the Federal laws under which Federal economic development funds are distributed. The Attorney General shall compile annual revisions of such list as necessary. Such list and any successive revisions of such list shall be communicated by the Attorney General to the chief executive officer of each State and also made available on the Internet website maintained by the United States Department of Justice for use by the public and by the authorities in each State and political subdivisions of each State empowered to take private property and convert it to public use subject to just compensation for the taking.

(b) NOTIFICATION TO PROPERTY OWNERS AND TENANTS.—Not later than 30 days after the enactment of this Act, the Attorney General shall publish in the Federal Register and make available on the Internet website maintained by the United States Department of Justice a notice containing the text of this Act and a description of the rights of property owners and tenants under this Act.

SEC. 7. REPORTS.

(a) BY ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act, and every subsequent year thereafter, the Attorney General shall transmit a report identifying States or political subdivisions that have used eminent domain in violation of this Act to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives and to the Chairman and Ranking Member of the Committee on the Judiciary of the Senate. The report shall—

(1) identify all private rights of action brought as a result of a State's or political subdivision's violation of this Act;

(2) identify all violations reported by property owners and tenants under section 5(c) of this Act;

(3) identify the percentage of minority residents compared to the surrounding nonminority residents and the median incomes of those impacted by a violation of this Act;

(4) identify all lawsuits brought by the Attorney General under section 5(d) of this Act;

(5) identify all States or political subdivisions that have lost Federal economic development funds as a result of a violation of this Act, as well as describe the type and amount of Federal economic development funds lost in each State or political subdivision and the Agency that is responsible for withholding such funds; and

(6) discuss all instances in which a State or political subdivision has cured a violation as described in section 2(c) of this Act.

(b) DUTY OF STATES.—Each State and local authority that is subject to a private right of action under this Act shall have the duty to report to the Attorney General such information with respect to such State and local authorities as the Attorney General needs to make the report required under subsection (a).

SEC. 8. SENSE OF CONGRESS REGARDING RURAL AMERICA.

(a) FINDINGS.—The Congress finds the following:

(1) The founders realized the fundamental importance of property rights when they codified the Takings Clause of the Fifth Amendment to the Constitution, which requires that private property shall not be taken ''for public use, without just compensation''.

(2) Rural lands are unique in that they are not traditionally considered high tax revenue-generating properties for State and local governments. In addition, farmland and forest land owners need to have long-term certainty regarding their property rights in order to make the investment decisions to commit land to these uses.

(3) Ownership rights in rural land are fundamental building blocks for our Nation's agriculture industry, which continues to be one of the most important economic sectors of our economy.

(4) In the wake of the Supreme Court's decision in Kelo v. City of New London, abuse of eminent domain is a threat to the property rights of all private property owners, including rural land owners.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the use of eminent domain for the purpose of economic development is a threat to agricultural and other property in rural America and that the Congress should protect the property rights of Americans, including those who reside in rural areas. Property rights are central to liberty in this country and to our economy. The use of eminent domain to take farmland and other rural property for economic development threatens liberty, rural economies, and the economy of the United States. The taking of farmland and rural property will have a direct impact on existing irrigation and reclamation projects. Furthermore, the use of eminent domain to take rural private property for private commercial uses will force increasing numbers of activities from private property onto this Nation's public lands, including its National forests, National parks and wildlife refuges. This increase can overburden the infrastructure of these lands, reducing the enjoyment of such lands for all citizens. Americans should not have to fear the government's taking their homes, farms, or businesses to give to other persons. Governments should not abuse the power of eminent domain to force rural property owners from their land in order to develop rural land into industrial and commercial property. Congress has a duty to protect the property rights of rural Americans in the face of eminent domain abuse.

SEC. 9. SENSE OF CONGRESS.

It is the policy of the United States to encourage, support, and promote the private ownership of property and to ensure that the constitutional and other legal rights of private property owners are protected by the Federal Government.

SEC. 10. RELIGIOUS AND NONPROFIT ORGANIZATIONS.

(a) PROHIBITION ON STATES.—No State or political subdivision of a State shall exercise its power of eminent domain, or allow the exercise of such power by any person or entity to which such power has been delegated, over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto if that State or political subdivision receives Federal economic development funds during any fiscal year in which it does so.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—A violation of subsection (a) by a State or political subdivision shall render such State or political subdivision ineligible for any Federal economic development funds for a period of 2 fiscal years following a final judgment on the merits by a court of competent jurisdiction that such subsection has been violated, and any Federal agency charged with distributing those funds shall withhold them for such 2-year period, and any such funds distributed to such State or political subdivision shall be returned or reimbursed by such State or political subdivision to the appropriate Federal agency or authority of the Federal Government, or component thereof.

(c) PROHIBITION ON FEDERAL GOVERNMENT.—The Federal Government or any authority of the Federal Government shall not exercise its power of eminent domain over property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization, or any quality related thereto.

SEC. 11. REPORT BY FEDERAL AGENCIES ON REGULATIONS AND PROCEDURES RELATING TO EMINENT DOMAIN.

Not later than 180 days after the date of the enactment of this Act, the head of each Executive department and agency shall review all rules, regulations, and procedures and report to the Attorney General on the activities of that department or agency to bring its rules, regulations and procedures into compliance with this Act.

SEC. 12. SENSE OF CONGRESS.

It is the sense of Congress that any and all precautions shall be taken by the government to avoid the unfair or unreasonable taking of property away from survivors of Hurricane Katrina who own, were bequeathed, or assigned such property, for economic development purposes or for the private use of others.

SEC. 13. DISPROPORTIONATE IMPACT.

If the court determines that a violation of this Act has occurred, and that the violation has a disproportionately high impact on the poor or minorities, the Attorney General shall use reasonable efforts to locate former owners and tenants and inform them of the violation and any remedies they may have.

SEC. 14. DEFINITIONS.

In this Act the following definitions apply:

(1) ECONOMIC DEVELOPMENT.—The term ''economic development'' means taking private property, without the consent of the owner, and conveying or leasing such property from one private person or entity to another private person or entity for commercial enterprise carried on for profit, or to increase tax revenue, tax base, employment, or general economic health, except that such term shall not include—

(A) conveying private property—

(i) to public ownership, such as for a road, hospital, airport, or military base;

(ii) to an entity, such as a common carrier, that makes the property available to the general public as of right, such as a railroad or public facility;

(iii) for use as a road or other right of way or means, open to the public for transportation, whether free or by toll; and

(iv) for use as an aqueduct, flood control facility, pipeline, or similar use;

(B) removing harmful uses of land provided such uses constitute an immediate threat to public health and safety;

(C) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;

(D) acquiring abandoned property;

(E) clearing defective chains of title;

(F) taking private property for use by a utility providing electric, natural gas, telecommunication, water, wastewater, or other utility services either directly to the public or indirectly through provision of such services at the wholesale level for resale to the public; and

(G) redeveloping of a brownfield site as defined in the Small Business Liability Relief and Brownfields Revitalization Act (42 U.S.C. 9601(39)).

(2) FEDERAL ECONOMIC DEVELOPMENT FUNDS.—The term ''Federal economic development funds'' means any Federal funds distributed to or through States or political subdivisions of States under Federal laws designed to improve or increase the size of the economies of States or political subdivisions of States.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

SEC. 15. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this Act may be construed to supersede, limit, or otherwise affect any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 16. BROAD CONSTRUCTION.

This Act shall be construed in favor of a broad protection of private property rights, to the maximum extent permitted by the terms of this Act and the Constitution.

SEC. 17. SEVERABILITY AND EFFECTIVE DATE.

(a) SEVERABILITY.—The provisions of this Act are severable. If any provision of this Act, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of the Act not so adjudicated.

(b) EFFECTIVE DATE.—This Act shall take effect upon the first day of the first fiscal year that begins after the date of the enactment of this Act, but shall not apply to any project for which condemnation proceedings have been initiated prior to the date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1944, currently under consideration.

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

There was no objection.

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

In 1997, Susette Kelo was trying to rebuild her life when she purchased a small, Victorian house perched on the waterfront in the Fort Trumbull neighborhood of New London, Connecticut.

It was Susette's dream to own a home that looked out over the water. The little pink house she purchased was in need of repair, but with lots of hard work, she was able to restore it and start a new life for herself on the banks of the Thames River. Susette was finally living her dream.

Tragically, however, the city of New London turned that dream into a nightmare.

In 1998, pharmaceutical giant Pfizer announced its intent to build a plant in Fort Trumbull, and the city of New London began planning a massive redevelopment of the area surrounding the Pfizer plant. The city handed its power of eminent domain to a private corporation to take the entire neighborhood for economic development purposes.

Susette and several of her neighbors, some of whose families had lived in their homes for generations, challenged the city's use of eminent domain all of the way to the U.S. Supreme Court in a desperate attempt to save their homes and their mostly blue collar neighborhood.

However, the Supreme Court, in one of the most controversial rulings in its history, held that private economic development constitutes a ''public use'' under the Fifth Amendment to the United States Constitution. Under the Court's reasoning, the government can now use the eminent domain power to take the property of any individual for nearly any reason. As the dissenting justices observed, by defining public use so expansively, the result of the decision is:

> Effectively to delete the words ''for public use'' from the takings clause of the Fifth Amendment. The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. The government now has license to transfer property from those with few resources to those with more. The Founders cannot have intended this perverse result.

The Court's 5–4 decision against Susette and her neighbors sparked a nationwide backlash against eminent domain abuse. Susette's fight helped remind Americans that private ownership of property is vital to our freedom and our prosperity, and is one of the most fundamental principles embedded in the Constitution. Poll after poll that came out in the wake of the Court's ruling consistently showed that Americans from across every demographic cross-section overwhelmingly opposed the decision and supported efforts to strengthen property rights protections.

Although Susette's story is probably the most infamous case of eminent domain abuse, it is by no means an isolated case. Every day across this country, Americans are forced to sit back and watch powerlessly as their homes, small businesses, family farms, and churches are bulldozed to make way for high-end condos, shopping malls, and other upscale developments.

Oftentimes, after Americans go through the trauma of losing their private property to eminent domain abuse, the planned private economic development doesn't even occur. In New London, for instance, the Fort Trumbull redevelopment project never got off the ground. After spending close to $80 million in taxpayer money, there has been no new construction, and the neighborhood where Susette Kelo's little pink house was located is now a barren field, overrun by weeds.

It is time for Congress finally to step in and do its part to rein in eminent domain abuse by passing the Private Property Rights Protection Act. I want to thank Mr. SENSENBRENNER for reintroducing this legislation. He and I have worked together on this issue for many years, and I am pleased that this legislation incorporates many provisions from legislation I helped introduce in the 109th Congress, the STOPP Act.

Specifically, the Private Property Rights Protection Act prohibits State and local governments that receive Federal economic development funds from using economic development as a justification for taking property from one person and giving it to another private entity. Any State or local government that violates this prohibition will be ineligible to receive Federal economic development funds for a period of 2 years.

Moreover, this legislation grants adversely affected landowners the right to use appropriate legal remedies to enforce the provisions of the bill. In addition, it allows State and local governments to cure violations by giving the property back to the original owner. No one should have to live in fear of the government snatching up their home, farm, church, or small business. As the Institute for Justice has observed:

> Using eminent domain so another richer, better-connected person may live or work on the land you used to own tells Americans that their hopes, dreams, and hard work do not matter as much as money and political influence. The use of eminent domain for private development has no place in a country built on traditions of independence, hard work, and protection of property rights.

This bill creates incentives for State and local governments to help ensure that eminent domain abuse does not occur in the future. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 1944, and I yield myself such time as I may consume.

Mr. Speaker, in the wake of the Supreme Court's decision in Kelo v. City of New London, I have been concerned that States and municipalities could use this decision to expand their power of eminent domain, whether for the benefit of private parties or for public projects, to the detriment of those who are least powerful in the community.

While I believe the power of eminent domain has been abused, particularly against those lacking economic or political power, in the 9 years since the Kelo decision, States have properly addressed the issue on their own, and we should respect their judgment rather than impose this awkward, one-size-fits-all Federal legislative response.

I have reached this conclusion for several reasons. The first and foremost is that it is important to note that in Kelo, the Supreme Court acknowledged that State courts may interpret their own eminent domain powers in a manner that is actually more protective of property rights. I am, therefore, encouraged that no fewer than 43 States have followed that advice and taken steps to restrict their own powers of eminent domain to guard against abuse.

□ 1645

Given the fact that our system of federalism appears to be working and that the States have already enacted legal protections that are needed to prevent abuse of eminent domain power, I do not believe that Federal intervention is necessary or appropriate at this time.

Second, the bill's enforcement provisions are very troubling. A jurisdiction found in violation of this legislation would be stripped of all Federal economic development funds for 2 years, which could have a devastating impact on its financial health.

The Supreme Court has long held that, ''when Congress attaches conditions to a State's acceptance of Federal funds, the conditions must be set out 'unambiguously.''' But the term ''Federal economic development funds'' is, in fact, ambiguous and could conceivably include transportation, housing, and all kinds of significant Federal funding.

Those who could bear the heaviest burden of cuts and programs like the Community Development Block Grants could be precisely the same communities that have suffered the most under the abuse of eminent domain power in the past, that is, the powerless in our communities.

Furthermore, the impact of this legislation could be severe, even if a city or State never exercised the power of eminent domain. That is because no lender could ignore the risk of a future administration violating this legislation by using them in a domain for a prohibited purpose and, consequently, facing the devastating penalties during the life of the bond, thereby affecting the city's ability to make the payments on the bond.

This bill gives no discretion and no flexibility with respect to the penalty. It fails to take into account the severity or magnitude of the violation, so even a small violation would have to result in a complete loss of all economic development funds for 2 years.

No matter how clean a city's record may be, the danger that some future violation would have such a devastating effect could negatively impact its bond rating.

Finally, against this backdrop, we need to remember that eminent domain has a long and shameful history

of disproportionately impacting foreign minority communities.

Inner-city neighborhoods that lacked institutional and political power were often designated as blighted areas slated for redevelopment through urban renewal programs. Properties were condemned, and land was turned over to private developers.

That abuse was not confined to the use of eminent domain for economic development purposes. Many of those abuses would still be allowed under this bill. You can trace the cost of any major highway in America to see where poor and minority communities were located. You can map political power, where it is and where it isn't, by the proposed route of the Keystone pipeline today.

This bill does nothing to protect property owners like the witness who testified before the House Judiciary Committee about how her property was taken to benefit the foreign corporation building that pipeline.

The bill does not even give property owners the right to sue to stop an illegal taking in the first place. Suits can only be brought after the property is taken, after it is too late. Despite the draconian penalties in the bill, the actual property owner would get nothing.

This underscores why it is important that we continue to monitor the facts on the ground to determine whether Federal action is warranted. If so, what effective action should be taken?

If the States fail to protect our citizens, Congress should remain ready, willing, and able to do so. However, as the States have already acted to curb reviews, we in Congress should allow them to maintain their authority to act.

Even if you believe the bill achieves the correct balance between State authority and Federal intervention and prohibits the inappropriate use of eminent domain, the irrational penalties it imposes and the fact that individual property owners are not even protected still require that the bill be defeated.

I urge my colleagues to oppose the legislation and reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee, and the chief sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I am pleased that the House of Representatives today is considering H.R. 1944, the Private Property Rights Protection Act, as part of Stop Government Abuse Week. My bill aims to restore the property rights of all Americans the Supreme Court took away 9 years ago.

The Founders of our country recognized the importance of an individual's right to personal property when they drafted the Constitution. The Fifth Amendment states, ''nor shall private property be taken for public use, without just compensation.''

In Kelo v. the City of New London, in a 5–4 decision, the Supreme Court decided that economic development can be a public use under the Fifth Amendment's Takings Clause. The Court held that the government could take private property from an owner to help a corporation or a private developer.

The now infamous Kelo decision was met with swift and strong opposition. As former Justice O'Connor stated, ''Government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.''

In the nearly 9 years since Kelo, polls show that Americans overwhelmingly oppose property being taken and transferred to another private owner, even if it is for a public economic good.

Groups including the AARP and NAACP oppose Kelo, noting that, ''the takings that result [from the Court's decision] will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.''

Representatives of religious organizations have stated that, ''Houses of worship and other religious institutions are, by their very nature, nonprofit and almost universally tax-exempt. These fundamental characteristics of religious institutions render their property singularly vulnerable to being taken under the rationale approved by the Supreme Court.''

Should the government be able to close churches if it prefers malls?

The Private Property Rights Protection Act is needed to restore to all Americans the property rights the Supreme Court took away. Although several States have independently passed legislation to limit their power of eminent domain, the supreme courts of Illinois, Michigan, and Ohio have barred the practice under State constitutions. These laws exist on a varying degree.

H.R. 1944 would prohibit State and local governments that receive Federal economic development funds from using economic development as a justification for taking property from one person and giving it to another private entity.

Any State or local government that violates this prohibition will be ineligible to receive Federal economic development funds for 2 years.

The protection of property rights is one of the most important tenets of our government.

I am mindful of the long history of eminent domain abuses, particularly in low-income and often predominantly minority neighborhoods, and the need to stop it.

I am also mindful of the reasons we should allow the government to take land when the way in which the land is being used constitutes an immediate threat to public health and safety. I believe this bill accomplishes both goals.

I urge my colleagues to join me in protecting property rights for all Americans and limiting the dangerous effects of the Kelo decision on the most vulnerable in society.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I have in my hand bits of the few remaining bricks from the foundation of Susette Kelo's home in New London, Connecticut. They were picked up at the site just over a year ago.

They once supported the lovingly arranged sanctuary of a woman who raised five sons and put herself through nursing school by working as an emergency medical technician. They gave her a place to rest after a long day's work surrounded by the things that meant the most to her. They were the foundations of her castle until the government's bulldozers arrived.

Mr. Speaker, Ms. Kelo's home, known as the ''little pink house,'' was reduced to rubble—this rubble—by the government's abuse of eminent domain and has remained just that—rubble.

These bits of bricks serve as a stark reminder of the government's inability to plan people's lives better than they can plan them themselves. They are the dramatic result of a type of government abuse that should never be rewarded with Federal taxpayer dollars. The homes that hardworking Americans have earned should be protected from government abuse, and we here in the people's House have a duty to do just that.

I had the opportunity to meet Susette Kelo. To me, she is a genuine American hero, fighting all the way to the United States Supreme Court to protect her little pink house and to protect all of our Fifth Amendment rights under the United States Constitution.

To me, the failure of the Court to correctly rule on that eminent domain case cries out for the Congress to correctly rule on this abuse by passing Mr. SENSENBRENNER's bill, by passing the Private Property Rights Protection Act.

As has been noted, 43 States have acted to protect eminent domain rights. Isn't it time for the United States Congress to do the same?

I urge my colleagues to support the Private Property Rights Protection Act, and I yield back the balance of my time.

Mr. MULVANEY. Mr. Speaker, I rise today in support of H.R. 1944, the Private Property Rights Protection Act of 2013.

This legislation addresses the eminent domain practice of seizing private property for the ''public benefit'' of economic development, which was deemed constitutional by the United States Supreme Court in its decision in Kelo v. City of New London. This bill prohibits a state or local government from seizing private property for

economic development if that state or local government receives federal economic development funds, and prohibits the federal government from exercising eminent domain powers for economic development purposes.

While it has not received much attention or debate in the full House of Representatives, my colleagues on the Committee on Financial Services and I have become increasingly concerned about a new proposed use of eminent domain which would be incredibly destructive to our housing markets and to Main Street investors alike.

Dozens of communities across the country are considering a vulture fund-developed investment scheme by which the municipality's eminent domain power is used to acquire underwater—but otherwise performing—mortgage loans held by private-label mortgage-backed securities and then refinance those loans through programs administered by the Federal Housing Administration (FHA).

Our housing finance system depends on private capital to take risk, make loans, purchase mortgage-backed securities, and help millions of Americans fulfill the dream of homeownership. What this eminent domain scheme considers would be incredibly destructive to the finance of homeownership and would do little more than help a few homeowners who can already afford their mortgage and line the pockets of the investors who developed this proposal. Who would invest in a mortgage knowing that their investment could be stolen just a few months or years later? Ironically, this new risk to the housing finance system would freeze the return of private capital to our markets at a time when many in Congress are looking for ways to increase the role of the private sector and decrease the federal government's footprint.

Using eminent domain in this manner will hurt Main Street investors the most. Those investors and pensioners may be invested in mortgages sitting in communities considering this plan—like Richmond, California—and not even know it. They are the ones who will suffer the most from this particular form of eminent domain.

Mr. SENSENBRENNER's legislation shines a spotlight on the abusive uses of eminent domain, including this investment scheme, and I am proud to support the bill. I believe this legislation may have the effect of defeating such a scheme. In addition, I support Chairman HENSARLING's efforts to directly target and defeat this use of eminent domain, and I look forward to future opportunities to ensure the protection of private property and the security of our housing finance system.

Mr. CAMPBELL. Mr. Speaker, I rise in support of H.R. 1944, the Private Property Rights Protection Act of 2013. Unfortunately, I was delayed in returning to Washington and, regrettably, but want to take this opportunity to note its importance.

When we hear the words "eminent domain," we often visualize the government taking a home, an office building, or a piece of land, often for a highway or some other public infrastructure. But my colleague Mr. SENSENBRENNER articulated well in his remarks that the powers of eminent domain are sometimes used for very different purposes.

One abuse of eminent domain that I have long been publicly against is the use of eminent domain to seize mortgage notes from investors, using the courts to unilaterally restructure the terms of those loans before selling them to other investors. In this scheme, some private investors have their investments seized and incur losses while other private investors benefit. Many of the investors who will incur losses are the savers and retirees who own them through their 401(k), IRA, or pension accounts. But ultimately, this is a blatant abrogation of private property rights and undermines longstanding contract law. As a response, I have introduced H.R. 2733, which prohibits Fannie Mae, Freddie Mac, and the Federal Housing Administration from making, purchasing, or guaranteeing loans in areas where eminent domain is being used to seize mortgage notes. This legislation is also included in the Protecting American Taxpayers and Homeowners (PATH) Act.

I believe that property rights, whether real property or the financial instruments that finance them, should be protected. Doing so will give certainty to the housing finance system, which is necessary to transition from a system dominated by government-guaranteed mortgages to one based on private capital.

The Private Property Rights Protection Act of 2013 is not the only legislation to address the issue of abusive eminent domain practices. Section 407 of the Consolidated Appropriation Act of 2014, Pub. L. No. 113–76, prohibits the expenditure of federal funds to support activities that utilize eminent domain powers, unless it's exclusively for a public purpose. The schemes being considered call for the Federal Housing Administration (FHA) to guarantee the seized and restructured mortgage loans. Given that some private investors and their paid intermediaries stand to benefit, it is apparent that FHA is unable to participate in these restructuring programs, so long as eminent domain powers are used. With this provision signed into law just last month, Congress and the President have already begun to define the limits of acceptable usage of eminent domain.

I thank Mr. SENSENBRENNER for his important work on this issue.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1944.

The question was taken.

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

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

The yeas and nays were ordered.

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

TAXPAYER TRANSPARENCY AND EFFICIENT AUDIT ACT

Mr. ROSKAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2530) to improve transparency and efficiency with respect to audits and communications between taxpayers and the Internal Revenue Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2530

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 ''Taxpayer Transparency and Efficient Audit Act''.

SEC. 2. DEADLINE FOR RESPONSES TO TAXPAYER CORRESPONDENCE.

Not later than 30 days after receiving any written correspondence from a taxpayer, the Internal Revenue Service shall provide a substantive written response. For purposes of the preceding sentence, an acknowledgment letter shall not be treated as a substantive response.

SEC. 3. TAXPAYER NOTIFICATION OF DISCLOSURES BY IRS OF TAXPAYER INFORMATION.

(a) IN GENERAL.—Not later than 30 days after disclosing any taxpayer information to any agency or instrumentality of Federal, State, or local government, the Internal Revenue Service shall provide a written notification to the taxpayer describing—

(1) the information disclosed,

(2) to whom it was disclosed, and

(3) the date of disclosure.

(b) EXCEPTION.—Subsection (a) shall not apply if the Secretary of the Treasury, or the Secretary's designee, determines that such notification would be detrimental to an ongoing criminal investigation or pose a risk to national security.

SEC. 4. DEADLINE FOR CONCLUSION OF AUDITS OF INDIVIDUAL TAXPAYERS.

If any audit of a tax return of an individual by the Internal Revenue Service is not concluded before the end of the1-year period beginning on the date of the initiation of such audit, the Internal Revenue Service shall provide the taxpayer a written letter explaining why such audit has taken more than 1 year to complete.

SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized or appropriated.

The SPEAKER pro tempore (Mr. BENTIVOLIO). Pursuant to the rule, the gentleman from Illinois (Mr. ROSKAM) and the gentleman from Illinois (Mr. DANNY K. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSKAM).

GENERAL LEAVE

Mr. ROSKAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 2530, the Taxpayer Transparency and Efficient Audit Act, is a direct response to testimony and inquiries and news reports that the Ways and Means

Committee and other interested Members of Congress have heard about as it relates to the IRS scandal.

Part of the difficulty that American taxpayers have, Mr. Speaker, is that they feel that they are basically on their heels, that the Internal Revenue Service has all the power and has all the inertia and has all the momentum; and if you are a taxpayer and the IRS is coming after you, you feel as if, look, this is a one-way street, and they are able to target, and they are able to focus, and they are able to keep all this momentum and have us on our heels.

This is an effort to correct this problem. Every time the IRS shares a taxpayer's information, the IRS, under this bill, must send a disclosure letter to the taxpayer within 30 days of the disclosure, except in cases where it would be detrimental to an ongoing criminal investigation or to national security.

□ 1700

Whenever the IRS receives correspondence from a taxpayer, the IRS must substantively respond within 30 days, and the response can't simply be a pat on the head and an acknowledgment letter but a substantive reply. Finally, the bill creates the goal that audits should be completed within 1 year. If not, the IRS must send an explanation to the taxpayer as to why it took too long.

In a nutshell, Mr. Speaker, what we are trying to do is to put the IRS on notice that they have got an obligation to operate within certain timeframes, which is a 30-day substantive response; to finish an audit in a year and, if you can't finish it in a year, have a good explanation as to why; and then also to make sure that, if information is being disclosed to someone outside the IRS—again, outside the context of a criminal investigation or of a national security incident—the IRS has to disclose that to the taxpayer.

Now, you might be thinking, Wow, what in the world? That is against the law already, and this information shouldn't be shared outside the Internal Revenue Service. You would be right in thinking that.

The problem is we heard testimony—and it was very compelling testimony, Mr. Speaker—from a witness down in Texas, who described this experience. Her name was Catherine Engelbrecht, and she was the founder of an organization called True the Vote. This is somebody who decided to participate in public life, who decided to get organized and have a group. Lo and behold, over a period of time, once she decided that she was going to petition the Federal Government for status for her group True the Vote to be involved in election issues and ballot integrity issues, all of a sudden, she finds herself the subject of a great deal of interest from other elements of the Federal Government that have nothing to do with the tax inquiry. According to my information, she had 15 different visits from four different Federal agencies.

We may never get to the bottom of where it came from—where the leak took place—what was the theory behind it and how all of that came to pass, but we know this: we know that we can do something about it. We know that we can put limitations on the Internal Revenue Service that create a duty and an obligation and a legal sanction around which the IRS has to operate that says you cannot disclose this information and that, if this information is disclosed, you have a duty to let the taxpayer know.

Clearly, what we are trying to do with this legislation is to limit the Internal Revenue Service, not from collecting taxes, not from enforcing the law, not from doing the things that they are tasked and created by this body to do, but, instead, to do it in a limited fashion, to be wise, not to be abusive, not to be lording power over taxpayers. When it all comes down to it, let's not forget this: we have a system of taxation that is based on—what? It is based on voluntary compliance. The Federal Government does not have the ability to go about and do all of this enforcement. So a voluntary tax compliance system is presumed.

What does that mean?

That means that the taxpayer has to have confidence that the tax-paying institution, itself, has integrity. As we know, that integrity is seriously in question, so I urge the favorable consideration of H.R. 2530.

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

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleague from Illinois in the discussion and debate of H.R. 2530, the Taxpayer Transparency and Efficient Audit Act.

Since 2010, the Internal Revenue Service's total budget has declined by 8 percent. This may not sound like much except that the number of individual tax returns has gone up by 11 percent, and the number of business tax returns has gone up by 23 percent. What happens when you combine a larger workload with fewer employees? You get more unanswered mail, more unreturned phone calls, and the closing of taxpayer assistance centers around the country.

I recently had the pleasure of welcoming the new Internal Revenue Service Commissioner, John Koskinen, to the Ways and Means Committee. He painted a very bleak picture of the challenges the agency is facing.

Over the same 4-year period that the Internal Revenue Service's budget has been slashed, the number of phone calls the agency receives has gone up by 40 percent. Over 100 million calls were placed by taxpayers to the Internal Revenue Service last year, and nearly 20 million of those calls went unanswered because the IRS did not have enough employees to answer them.

The Internal Revenue Service's ability to process taxpayer correspondence has taken a similar hit. The IRS tries to respond to taxpayer correspondence within 45 days. During the final week of fiscal year 2013, the IRS was unable to process 53 percent of its letters within the 45-day timeframe, and the open inventory of unanswered letters stood at 1.1 million.

Mr. Speaker, the bill before us requires the Internal Revenue Service to provide written responses to taxpayers within 30 days. That is simply an impossibility given the current funding levels. The Republicans can't have it both ways.

You can't both complain about the IRS' not answering its mail within 30 days and then demand that its budget be cut at the same time.

Of course, the Internal Revenue Service would have more resources to spend on taxpayers if they were not wasting time and money responding to the Republicans' infinite document request. According to the latest letter from the Internal Revenue Service, dated February 7, 2014, over 150 IRS personnel have worked for a total of more than 79,000 hours to respond to ongoing congressional investigations. They have produced more than a half a million pages of documents, have had more than 60 transcribed interviews taken of IRS employees, and have answered questions at 14 congressional hearings.

Enough is enough. It is time for the Internal Revenue Service to get back to its primary mission of administering taxpayer services.

Mr. Speaker, I am also concerned about the provision in the bill that calls for audits to be completed within 1 year. This will create an incentive for criminals to try and delay any audit or investigation by the Internal Revenue Service to try and ''run out the clock'' so that they can avoid their taxes. We would not say that if you can avoid a criminal investigation for 1 year that your crime will be forgiven. So why would we say that for cheating on your taxes? Our constituents expect us to provide a level playing field when it comes to the Tax Code, and the Republicans should not tilt that playing field towards tax cheats in the pursuit of their November preelection strategy.

Finally, Mr. Speaker, I am concerned that all of this legislation designed to hurt the Internal Revenue Service instead places the burden most directly on the elderly, the poor, and the disabled. They are the ones who are most likely to need the services from the Internal Revenue Service that they can no longer find. This is not just a problem for the Internal Revenue Service or for taxpayers but also for this Congress. When our constituents cannot get the help they need and deserve from a Federal agency, they turn to us. It is not just the Commissioner who has called for more resources but also the IRS Oversight Board, the Taxpayer Advocate, and the Treasury inspector general.

I am hopeful that this Congress will listen. These are our constituents who need us.

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

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

Mr. Speaker, we are accused now of wanting to have it both ways. I suppose we are guilty as charged. We have an expectation that the Internal Revenue Service is going to work well with the resources that they have been appropriated and be able to be responsive to inquiries, but it is an important distinction because we are saying that the IRS has to respond at the same level at which they demand responses from the taxpayer.

So, when you get a letter at home from the Internal Revenue Service, there is nobody who is cavalier about that. What happens? You look at that. My constituents look at that. The business owners in my district—the small businesses in my district—look at something from the Internal Revenue Service, and they say, Stop the presses. Wow, we have got to stop everything. The IRS is coming in, and we have got to deal with this. Get on top of it.

Yet we are told that the Internal Revenue Service cannot be held to that same standard, to that same level of responsiveness that the IRS demands from American citizens—demands with the ability to fine, demands with the ability to imprison if necessary, demands with the ability to take your property away through the force of liens.

I think the IRS can handle it. I think the IRS is now recognizing, hey, there is something that is going on, and the American public is recognizing that what has actually happened is that they have delegated a great deal of authority to the Internal Revenue Service. With the way our Founders created our system, Mr. Speaker, now these citizens are saying, We want to reclaim the authority. Why? Because the authority has been abused.

You are going to be limited, Internal Revenue Service, based on this legislation and other legislation because you abused this.

This is not about the poor. This is not about the elderly. This is not about the disabled. Those arguments are not very persuasive. This is about the limitation of the long arm of the Federal Government being able to hold you to account and my constituents to account to a standard that they are unwilling to live by themselves. That is just wrong.

So do we want it both ways? Yes, we do. We want the Internal Revenue Service to be wise with the money that has been allocated to them, and we want them to be forthcoming and helpful when it comes to responding in the same way to which they have been responded.

Now, my distinguished colleague from Illinois has mentioned the consternation and hand-wringing that has come upon the Internal Revenue Service. Here is a fairly simple remedy, Mr. Speaker:

The Internal Revenue Service can be forthcoming. They can say, Here is the information, to the chairman of the Ways and Means Committee, that you have requested. The chairman of the Ways and Means Committee has requested documentation, particularly about Lois Lerner, who is at the heart of this investigation.

Has the Internal Revenue Service been forthcoming to give Lois Lerner's emails? The answer is ''no.'' It is difficult. It is one excuse after another. ''We are looking.'' ''We are searching.'' It is all of these sorts of ''the dog ate my homework'' responses.

Here is the simple remedy:

If it has taken too much time, if it is that big of a problem, if it is taking all of this energy that they want to devote to helping taxpayers that, instead, they are spending devoting to defending themselves in an investigation, save a lot of time—print out the emails, and send them to Chairman DAVE CAMP. That is how they can save time, and that is how they can save money.

By golly, we have got to get to a point where this agency is under control and is doing the right thing by those who have entrusted them with a great deal of authority.

I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I have no further requests for time and am prepared to close. I will end with just two things.

I certainly appreciate the instructions as well as the passion from my colleague from Illinois, and I want every agency of our government to be as efficient as it possibly can and should be.

One of the things that we have learned is that you can't get blood out of a turnip.

□ 1715

You can squeeze it; you can tease it; you can do everything to it that you want to, but it will still end up being blood.

The other thing that I will end with is this month we celebrate African American History Month. I am reminded of something that Frederick Douglass said:

In this world, we may not get everything that we pay for, but we most certainly must pay for everything that we get.

I maintain that we must have the adequate resources that are needed for employees to do their jobs in a timely and efficient manner. And so I appreciate the comments of my colleague. I appreciate his passion.

I yield back the balance of my time.

Mr. ROSKAM. Mr. Speaker, I want to thank my colleague from Illinois (Mr. DANNY K. DAVIS) for his willingness to come and debate this issue. I appreciate his admonition about Frederick Douglass and that whole notion that we need to pay for what we get, and I think that that is a good word on which to end.

In other words, the American public has an expectation that they are going to get something, and they are paying for it. They are paying for it in taxes that, in some cases, are confiscatory—a very, very high tax burden—and they are voluntarily complying with the Tax Code. And toward that end, they have the expectation that they are going to be treated courteously, that they are going to be treated with respect, and that they are not going to be subsequently targeted by some other Federal agency completely unrelated to their inquiring.

So I urge the passage of H.R. 2530, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ROSKAM) that the House suspend the rules and pass the bill, H.R. 2530, as amended.

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

A motion to reconsider was laid on the table.

PROTECTING TAXPAYERS FROM INTRUSIVE IRS REQUESTS ACT

Mr. ROSKAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2531) to prohibit the Internal Revenue Service from asking taxpayers questions regarding religious, political, or social beliefs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2531

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 ''Protecting Taxpayers from Intrusive IRS Requests Act''.

SEC. 2. PROHIBITION ON QUESTIONS REGARDING RELIGIOUS, POLITICAL, OR SOCIAL BELIEFS.

(a) IN GENERAL.—The Internal Revenue Service shall not ask any taxpayer any question regarding religious, political, or social beliefs.

(b) SENSE OF CONGRESS REGARDING EXCEPTIONS.—It is the sense of Congress that—

(1) any exceptions to subsection (a) which are provided by later enacted provisions of law should identify the specific questions which are authorized, the class of taxpayers to which such questions are authorized to be asked, and the circumstances under which such questions are authorized to be asked, and

(2) if the Commissioner of the Internal Revenue Service determines that asking any class of taxpayers a question prohibited under subsection (a) would aid in the efficient administration of the tax laws, such Commissioner should submit a report to Congress which—

(A) includes such question in the verbatim form in which it is to be asked,

(B) describes the class of taxpayers to whom the question is to be asked, and

(C) describes the circumstances that would be required to exist before the question would be asked.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. ROSKAM) and the gentleman

from Illinois (Mr. DANNY K. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ROSKAM).

GENERAL LEAVE

Mr. ROSKAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

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

There was no objection.

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

I draw your attention to H.R. 2531, the Protecting Taxpayers from Intrusive IRS Requests Act. Let me give you a quick summary, Mr. Speaker, of what the bill does. Let me give you an example that we heard in the Ways and Means Committee that prompted this. And I look forward to hearing from my colleague, Mr. DAVIS.

The legislation establishes a new procedure for the IRS to follow when asking questions regarding three areas: religious, political, and social beliefs. And the following is the new procedure: the IRS can't ask those questions. They can't ask about religious, political, or social beliefs. And there are two exceptions. One is a question or set of questions that is approved by Congress by an enacted law; or, if the IRS Commissioner deems questions are important to aid in tax administration and submits a report to Congress, which must include the following and be approved by a joint resolution of Congress:

State the specific questions that were authorized;

Describe the class of taxpayers who will be asked the questions;

Describe the circumstances surrounding the taxpayers being asked those questions.

So where is this coming from? What is this all about?

We heard testimony from six witnesses, Mr. Speaker, who came before the Ways and Means Committee as the IRS scandal was breaking. These six witnesses in particular I found to be compelling. I found them to be compelling for two reasons:

Number one, they didn't give up on their country. When they were being targeted by the Federal Government, these witnesses kept faith and kept hope with the America that they knew existed, and they were not willing to feel overwhelmed even though the events were actually fairly overwhelming, being targeted by your Federal Government to say you can and cannot participate in the public square. That is one reason I admire them.

The second reason, Mr. Speaker, was this. They came to Washington to do something about it. They engaged Congress. They engaged in the full committee. They gave compelling testimony. The testimony moved us. It moved me to introduce this bill.

Here was the single, without question, most compelling witness who spoke that day, in my view. She represented a right-to-life group in Iowa. She told the story of being asked by the Internal Revenue Service in written interrogatories—in other words, pieces of paper with questions written down that come from the Internal Revenue Service to their little group—and the inquiry was, Tell us about your prayers. Tell us about your prayer meetings. What goes on at those?

Mr. Speaker, you know as well as I do that our freedom to worship is our first freedom, and our freedom to worship is central to who we are.

The long, powerful arm of the Federal Government is coming in and grabbing a little right-to-life group by the neck and shaking them around, saying, Write down what happens in your prayer meetings and write it down and sign your name, under penalty of perjury. That is exactly what those questions did.

I was sobered by that. That was chastening testimony to hear that this agency, this agency of delegated authority from the people's House, has now used that and, I would argue, misused that. Why in the world does the Internal Revenue Service need to know about the prayer meetings of a pro-life group in Iowa? That is a shameful abuse and a shameful scandal that they even asked those questions.

But what does it tell you?

It tells you that there was a way of thinking, a culture, I would argue, at the Internal Revenue Service that said, We are empowered to do these things.

Well, if that is what they think, let's correct that, shall we, Mr. Speaker? Let's say that they can't ask those questions. The questions about religion, your political beliefs, and about what your social beliefs are have nothing to do with what the Internal Revenue Service should be doing as it relates to tax administration.

So these are very clear limitations. There are a couple of exceptions. But it is meant clearly to put the IRS back where they belong on the tax administration side and not deciding who gets to participate in the public square of debate and who doesn't.

I reserve the balance of my time.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Coming from the same and neighboring communities and State as my colleague, we agree on many things. We all agree that the Internal Revenue Service should not ask about your religious, political, or social beliefs in determining your taxpayer status. That is different, however, from asking you about your political activities, which was at the root of the Internal Revenue Service's mismanagement of the 501(c)(4) applications.

The IRS did the right thing in trying to group together applications by activity, but they were wrong in using party names and labels from both Democrats and Republicans in their organizational process.

The division that was the subject of the May 2013 TIGTA report was grossly mismanaged in that it allowed these applications to be selected by name and then allowed them to sit for an inordinate length of time. Swift corrective action was taken to remove the ineffective management, and the subsequent IRS leadership has put the agency on the right path to restoring the public trust.

There has never been any evidence of political motivation or influence from anyone either inside or outside the IRS. Treasury's inspector general repeatedly testified that he found no evidence of political motivation in the selection of processing of tax exemption applications that were the subject of his report. Indeed, an extensive review of 5,500 employee emails by the TIGTA Office of Investigations concluded that there was no political motivation in trying to group these applications.

At the end of the day, Mr. Speaker, what we saw was a small division of a very large agency that struggled to determine how to handle tax-exempt applications from politically motivated groups. Consequently, they allowed those applications to sit for an inordinate amount of time while it tried to determine what criteria to use to judge who determined tax-exempt status.

We also had a flawed TIGTA report that deliberately removed any reference to Progressive and Democratic groups from the criteria the IRS actually used to group applications together and consequently presented a one-sided and partisan conclusion about this issue to Congress.

What we do not have is any evidence of political motivation in the processing of tax exemption applications or any evidence of outside influence in the selection or processing of tax exemption applications.

Mr. Speaker, I think enough is enough. It is time for us to move on to processing issues like extending long-term unemployment insurance benefits, raising the minimum wage, and fixing our immigration laws. Let us give the American people some confidence that their Congress can debate and pass bills on these important issues.

Yes, there was activity that took place which is unacceptable. The individuals have been removed from those positions. Let us take the Internal Revenue Service and move it on to higher heights, giving the American people that each and every citizen is treated fairly, with respect, and with the dignity that all of us deserve as citizens of this great Nation.

I reserve the balance of my time.

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

My colleague said enough is enough. I guess enough is enough if you are one of the ones that wasn't impacted. But if you were impacted by the IRS targeting, it had a jarring effect on you.

And if we are going to move forward, if we are going to have the Internal Revenue Service have the respect that we need it to have, which it doesn't have right now, there is an overwhelming level of concern and consternation about how the IRS handled these things in the past and how they conducted themselves.

The fact that the Internal Revenue Service has not been forthcoming pursuant to Chairman CAMP's request for information is not in dispute. There is nobody here that is arguing the IRS has been completely forthcoming and given the chairman all the information he needs or that he has requested. No. They haven't been forthcoming, and that continues to be a real problem.

I think it is important for us to recognize that the TIGTA report was an audit. It was not an investigation. An investigation is ongoing. So this notion that there is no knowledge or there is no indication of any sort of political influence, I think that there is a great deal of knowledge of political influence that was peddled and used here, and I think the facts bear it out.

□ 1730

The scope of the audit that the gentleman was referring to was to focus on conservative targeting. The IG struck within the parameters of the audit. Far more conservative groups faced IRS scrutiny, they faced more questions, and were approved at a lower rate than progressive groups were.

Numbers are very straightforward: 104 conservative groups experienced an average of 15 additional questions, only 46 percent of conservative applicants were approved, and 56 percent of groups are either waiting for a determination or have withdrawn in frustration.

Now, that is messed up. If you are withdrawing because you can't get a straight answer, you are just feeling overwhelmed, who wins then?

The Internal Revenue Service wins, and the taxpayer that wants to participate in the public debate loses.

Compare that to seven progressive groups that were asked an average of just five additional questions.

You know what, Mr. Speaker?

Every one of those progressive groups was approved—100 percent of them were approved.

We know now that the IRS targeted not only right-leaning applicants, but also right-leaning groups that are already operating as 501(c)(4)s, and at Washington, D.C.'s direction, not Cincinnati's initiative, at Washington, D.C.'s direction, dozens of groups operating as 501(c)(4)s were flagged for IRS surveillance, monitoring of the groups' activities, Web sites, and any other publicly available information.

Of these groups, 83 percent were right-leaning, and of the groups that the IRS selected for audit, 100 percent of those were conservative-leaning. So, this idea that this was, well, everybody is treated the same way, the facts don't bear that out, Mr. Speaker.

I just want to draw attention to one particular group, a constituency that I represent, the West Suburban Patriots of DuPage County. They submitted their application for 501(c)(4) status in May of 2011. They received a letter from the IRS acknowledging their application. Nearly 4 months later they were told their application was ''in the pile.''

Over a year later, June of 2012, the West Suburban Patriots received a letter indicating that they had to answer a series of questions in an incredibly short timeframe. The questions were political, and demonstrated that the IRS scoured their Web site by demanding information that would be on their Members Only web page.

Isn't that interesting?

In July of 2012 they received a letter granting their 501(c)(4) status.

Now, the West Suburban Patriots name and tax ID number were found on a list of ''political advocacy cases'' that the Exempt Organizations Office in D.C. made to track Tea Party cases, and USA Today received the confidential political advocacy list and made it public.

Here is the point: this is not what the Internal Revenue Service should be doing. The Internal Revenue Service should be making proper inquiries, not asking about prayer meetings, not being passive aggressive, choosing winners and losers in the public square.

This is an important piece of legislation. It reclaims authority that was once delegated and has been abused, and now needs to be reclaimed.

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

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

You know, I think with the IRS, we are, like, approaching a fork in the middle of the road and we have choices that we can make.

We now have new leadership. The agency has been sanitized. The individuals with culpability are no longer there. They no longer play in any leadership roles at all.

The new Commissioner has given us every assurance, and he comes to the IRS with an impeccable record from both public and private activity, and has given every assurance that can be given that he is going to take that road that leads to the highest level of integrity, that we can bank on the Internal Revenue Service being as fair as fair can be.

I like to believe that he means what he says, and that he says what he means. So I am confident that we have a new IRS, and we will see it function with a new light, a new spirit, and a new direction.

So I thank my colleague. I have no further requests for time.

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

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

I want to thank Mr. DAVIS for engaging in this debate and this discussion, and I think he is right. We are at a fork in the road. I would describe the fork in the road as the responsibility that we have in the House.

Mr. Speaker, I would urge us to take this challenge, and that is to do everything that we can, in light of this information that has come to our attention, to make sure that the Internal Revenue Service is being limited, is not allowed to ask questions regarding religion or social questions or political questions, and that we can enjoy a day in the future when they enjoy our respect. With that, I urge passage the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ROSKAM) that the House suspend the rules and pass the bill, H.R. 2531.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 36 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1211, by the yeas and nays;

H.R. 1123, by the yeas and nays.

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

FOIA OVERSIGHT AND IMPLEMENTATION ACT OF 2014

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1211) to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 20, as follows:

[Roll No. 63]

YEAS—410

Aderholt
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Camp
Cantor
Capito
Capuano
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Hahn
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McAllister
McCarthy (CA)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nunes
Nunnelee
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)

NOT VOTING—20

Campbell
Capps
Fincher
Gerlach
Gingrey (GA)
Gosar
Graves (MO)
Gutiérrez
Hanna
McCarthy (NY)
Miller, Gary
Nugent
Pastor (AZ)
Richmond
Ruppersberger
Rush
Schwartz
Tiberi
Wilson (FL)
Young (IN)

□ 1900

Ms. HERRERA BEUTLER and Mr. ELLISON changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNLOCKING CONSUMER CHOICE AND WIRELESS COMPETITION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1123) to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 295, nays 114, not voting 21, as follows:

[Roll No. 64]

YEAS—295

Aderholt
Amodei
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Beatty
Becerra
Benishek
Bera (CA)
Bilirakis
Bishop (NY)
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Braley (IA)
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Camp
Cantor
Capito
Cárdenas
Carson (IN)
Carter
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Clarke (NY)
Clay
Cleaver
Coble
Coffman
Cohen
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Daines
Davis (CA)
Davis, Rodney
DeLauro
DelBene
Denham
Dent
DeSantis
DesJarlais
Deutch
Diaz-Balart
Dingell
Duckworth
Duffy
Duncan (TN)
Ellmers
Engel
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gallego
Garcia
Gardner
Garrett
Gibbs
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanabusa
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Hinojosa
Holding
Horsford
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce
Kaptur
Kelly (PA)
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis
LoBiondo
Long
Lucas
Luetkemeyer
Lujan Grisham (NM)
Lummis
Maffei
Maloney, Sean
Marchant
Marino
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Meeks
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Neugebauer
Noem
Nolan
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paulsen
Pearce
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Reichert
Renacci
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ryan (OH)
Ryan (WI)
Salmon
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shimkus
Shuster
Simpson
Sinema
Sires
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)

Southerland	Vela	Westmoreland
Stewart	Velázquez	Whitfield
Stivers	Wagner	Williams
Stutzman	Walberg	Wilson (SC)
Terry	Walden	Wittman
Thompson (PA)	Walorski	Wolf
Thornberry	Wasserman Schultz	Womack
Tipton	Waxman	Woodall
Turner	Weber (TX)	Yoder
Upton	Webster (FL)	Young (AK)
Valadao	Wenstrup	
Vargas		

NAYS—114

Amash	Green, Gene	Negrete McLeod
Bachmann	Grijalva	O'Rourke
Bass	Hahn	Payne
Bentivolio	Himes	Pelosi
Bishop (GA)	Holt	Perry
Blumenauer	Honda	Pingree (ME)
Bonamici	Huelskamp	Pocan
Brady (PA)	Johnson, E. B.	Polis
Bridenstine	Jones	Price (NC)
Broun (GA)	Keating	Quigley
Capuano	Kelly (IL)	Rangel
Carney	Kennedy	Ribble
Cicilline	Kildee	Rice (SC)
Clark (MA)	Kuster	Rohrabacher
Clyburn	Langevin	Sánchez, Linda T.
Cole	Lee (CA)	
Courtney	Lipinski	Sanchez, Loretta
Cummings	Loebsack	Sanford
Davis, Danny	Lofgren	Shea-Porter
DeFazio	Lowenthal	Sherman
DeGette	Lowey	Slaughter
Delaney	Luján, Ben Ray (NM)	Speier
Doggett		Stockman
Doyle	Lynch	Swalwell (CA)
Duncan (SC)	Maloney, Carolyn	Takano
Edwards		Thompson (CA)
Ellison	Massie	Thompson (MS)
Enyart	Matsui	Tierney
Eshoo	McCollum	Titus
Esty	McDermott	Tonko
Farenthold	McGovern	Tsongas
Farr	McNerney	Van Hollen
Fattah	Meng	Veasey
Foster	Miller, George	Visclosky
Gabbard	Moore	Walz
Garamendi	Moran	Waters
Gibson	Mulvaney	Welch
Grayson	Napolitano	Yarmuth
Green, Al	Neal	Yoho

NOT VOTING—21

Campbell	Gutiérrez	Ruppersberger
Capps	Hanna	Rush
Fincher	McCarthy (NY)	Schwartz
Gerlach	Miller, Gary	Smith (WA)
Gingrey (GA)	Nugent	Tiberi
Gosar	Pastor (AZ)	Wilson (FL)
Graves (MO)	Richmond	Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1909

Ms. CLARKE of New York changed her vote from ''nay'' to ''yea.''

Mr. SANFORD changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIÉRREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes on Tuesday, February 25, 2014.

I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall vote 63, and ''nay'' on rollcall vote 64.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3865, STOP TARGETING OF POLITICAL BELIEFS BY THE IRS ACT OF 2014; PROVIDING FOR CONSIDERATION OF H.R. 2804, ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT OF 2014; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 113–361) on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 3865) to prohibit the Internal Revenue Service from modifying the standard for determining whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986; providing for consideration of the bill (H.R. 2804) to amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes; and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

THE AMERICAN PEOPLE EXPECT ACCOUNTABILITY.

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

Mr. BOEHNER. Mr. Speaker, my colleagues, this week the House will consider several measures to stop government abuse, especially when it threatens freedom and limits opportunity.

The American people expect accountability, and every day the House is focused on carrying out responsible oversight.

As an example, late on Friday, the Obama administration released a report that we demanded detailing the impact of the health care law and what it will do to employer-sponsored health plans.

You may not have seen the report. It was released rather quietly on Friday afternoon, so I am going to enter it into the RECORD today. I urge every Member to read it and share it with your constituents.

As you do, keep in mind that the White House promised that this law would bring down health insurance premiums by some $2,000 per family. Instead, according to the administration's own bookkeepers, premiums will go up for two out of three small businesses in our country.

This amounts to about 11 million employees who are going to see more money coming out of their paycheck for their health insurance every month, and remember, these premiums will be felt not just by workers, but the small business owners themselves, making it even harder to create jobs.

Another sucker punch to our economy. Another broken promise to hard-working Americans—and the only reason we even know about it is that the House demanded this transparency from the administration.

That is why the House continues to focus on stopping government abuse and promoting better solutions for middle class families and small businesses.

[From Centers for Medicare & Medicaid Services, Feb. 21, 2014]

REPORT TO CONGRESS ON THE IMPACT ON PREMIUMS FOR INDIVIDUALS AND FAMILIES WITH EMPLOYER-SPONSORED HEALTH INSURANCE FROM THE GUARANTEED ISSUE, GUARANTEED RENEWAL, AND FAIR HEALTH INSURANCE PREMIUMS PROVISIONS OF THE AFFORDABLE CARE ACT

INTRODUCTION

The ''Department of Defense and Full-Year Continuing Appropriations Act, 2011'' required this report to Congress on the impact of sections 2701 through 2703 of the Public Health Service (PHS) Act, as amended by the Affordable Care Act (ACA) on the premiums paid by individuals and families with employer-sponsored health insurance. Specifically, the Chief Actuary of the Centers for Medicare & Medicaid Services (CMS) is to provide an estimate of the number of individuals and families who will experience a premium increase and the number who will see a decrease as a result of these three provisions.

Section 2701 of PHS Act is titled ''Fair Health Insurance Premiums'' and requires adjusted community rating for plan years beginning on or after January 1, 2014. Specifically, premium rates in the individual and small group market charged for non-grandfathered health insurance coverage may only be varied on the basis of the following four characteristics:

Individual or family enrollment.

Geographic area—premium rates can vary by the area of the country.

Age—premium rates can be higher for an older applicant than that for a younger applicant, but the ratio of premiums cannot exceed 3:1 for adults.

Tobacco use—premium rates can be higher for smokers, but the ratio cannot exceed 1.5:1.

Section 2702 of the PHS Act requires the guaranteed issuance of health insurance coverage in the individual and group market subject to specified exceptions. This means that insurers that offer coverage in the individual or group market generally must accept all applicants for that coverage in that market. Under section 2703 of the PHS Act, group and individual health insurance coverage must be guaranteed renewable at the option of the plan sponsor or individual, subject to specified exceptions. These three sections do not apply to grandfathered health insurance coverage.

BACKGROUND

Prior to the passage of the ACA, the insurance products in the small group market were already required to be guaranteed issue and renewable under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In addition, large group policies are not subject to section 2701 of the PHS Act. Self-funded plans are also not subject to the provisions analyzed in this report. As a result, large group and self-funded plans will be unaffected by the new rating requirements. Since these three specific ACA provisions will not have any significant effect on the premium rates paid by individuals working for large sized employers, the remainder of this report will focus on health insurance policies in the small group market.

To help individuals with pre-existing conditions gain affordable insurance coverage, Sections 2702 and 2703 of PHS Act generally require guaranteed issuance and renewability of policies to any employer that applies for coverage offered in the applicable market within enrollment periods, regardless of the health histories of its employees or other prohibited factors. These requirements apply to all small group health insurance plans other than grandfathered plans (as defined by federal regulations at 45 CFR 147) beginning on or after January 1, 2014. Some analysts expect that these grandfathered plans will experience reduced enrollment as individuals leave for new plans that are not only cheaper due to lower administrative costs, but also offer more generous coverage, or leave for individual market coverage for which individuals may qualify for premium tax credits. Under HIPAA, all states currently have adopted guaranteed issue and renewal requirements for small group policies.

The Chief Actuary was required to estimate the impact of these three specific ACA provisions—fair health insurance premiums, guaranteed issue and renewability—on the premiums for individuals and families with employer sponsored health insurance. Since fully insured small group policies are already guaranteed issue and renewal in all states, we expect there is no material net impact of these two ACA provisions on premium rates. As a result, the premium rate impact in the small group market is expected to result from only the new adjusted community rating provision in section 2701 of the PHS Act.

ADJUSTED COMMUNITY RATING FOR SMALL EMPLOYERS

This new adjusted community rating criteria is a change from the current small group market industry practice that existed prior to when these criteria take effect. Previously, issuers in most states could vary premiums by factors such as: health status of the group, group size, and industry code or classification. Smaller firms, and those performing high-risk work, or firms with sick employees, received significantly higher premiums than those with a lower risk group. In addition, they could be subject to large premium increases based on a new diagnosis for a single employee.

The ACA created a new health insurance Exchange for small businesses called the SHOP (Small Business Health Options Program), to offer plans tailored for small employers with 100 or fewer employees. All health plans (other than those offered through the SHOP) will be subject to the premium rating requirements of section 2701 of the PHS Act. Beginning 2014, most individuals must obtain a form of minimum essential coverage or face a penalty. Individuals with income between 100 and 400 percent of federal poverty level (FPL) may be eligible for premium tax credits and cost sharing reductions on a sliding scale to help reduce the cost if the coverage is obtained through the Exchanges.

There is considerable uncertainty as to whether small employers will decide to terminate their existing offer of health insurance coverage and send their employees to individual market Exchanges. Many factors may be relevant to their decisions. For example, the decision could depend heavily on the extent to which employees are eligible for a premium tax credit on the individual market Exchanges. Some expect that it would be cheaper for employees with income below 250 percent of FPL to buy coverage from the individual market Exchanges given the premium tax credits and cost-sharing reductions available at these income levels. Small employers with predominantly low-wage, part-time and seasonal employees may find it to their financial advantage to terminate existing coverage. Small businesses with 50 or fewer workers may find terminating existing coverage particularly attractive since they are not required by the ACA to offer affordable minimum essential health insurance coverage, and their workers have access to health insurance in the new Exchanges. Alternatively, it may be financially attractive for small employers with relatively healthy employees to continue to provide coverage but convert to a self-insured arrangement with stop-loss coverage. If such coverage becomes widely available, some analysts expect a substantial increase in self-insured small employers. However, small group employers will also have to consider employee resistance and administrative complexity to substitute alternative types of compensation for employer's health benefits contributions, which may encourage small employers to continue to offer insurance coverage on a tax-favored basis.

Prior to 2014, insurers could set lower premiums for small employers with younger and healthier employees due to their low expected health care needs, and significantly higher rates for small employers with older and sicker employees with greater expected health care needs. The ratio of premiums charged between old and young ages was typically 5:1 or more, and could translate into much higher premiums for firms with older employees. In addition, gender could also be used as a rating factor. Before 2014, employers with more women of childbearing age were commonly charged higher premiums.

The adjusted community rating under ACA prohibits the use of gender, health status and claims history as rating factors, and restricts the premium rating ratio for adults to between young and old ages. These changes are expected to further relieve the financial burdens for older and sicker individuals as coverage could become more affordable for them. However, for younger and healthier individuals, premiums could increase since health status is no longer permitted as a rating factor and the new age rating band is limited to 3:1 for adults, less than what insurers typically have used.

Some analysts are concerned with the possibility of adverse selection, which prompts small employers with younger and healthier individuals to drop coverage or switch to other forms of coverage such as self-insurance, leaving the remaining risk pool with only the sickest individuals thereby raising premiums significantly. The propensity for adverse selection is mitigated by other ACA provisions that encourage small employers to offer coverage and premium stabilization programs in the fully insured market such as risk adjustment. For example, small employers with 25 or fewer employees whose average annual salary is less than $50,000 may be eligible for small business tax credit on a sliding scale if they contribute at least 50 percent of the total premium. Many analysts believe that these and other factors will help attract a broad and stable group of employers to reduce the negative impact on premiums and avoid the adverse selection problem.

ESTIMATES BY INDEPENDENT MODELERS

A number of independent modelers developed estimates of post-ACA premium rates and enrollment of small group coverage for a number of states and the country as a whole. For example, some of their findings are summarized below.

Wisconsin—A study by Gorman Actuarial and Dr. Jonathan Gruber predicted that the small group market is expected to see relatively small premium rate increase—1.3 percent. Fifty-three percent of small group plans, or 63 percent of the small group employees, will experience a premium rate increase of 15 percent, while 47 percent of small groups or 37 percent of the employees will experience a 16 percent decrease. Most of the impact is due to elimination of health status as a rating factor.

Maine—A study by Gorman Actuarial and Dr. Jonathan Gruber estimated that a large majority (89 percent) of small employers are expected to experience a premium rate increase of 12 percent on average, while the remaining 11 percent will experience an average premium rate decline of 17 percent. The impact is largely due to the elimination of group size as a rating factor.

Ohio—A study from Milliman estimates that, before the application of tax subsidies, the small group premium rates are going to increase by 5 to 15 percent.

National—Actuaries at Oliver Wyman examined the national impact on premium rates of adjusted community rating, guaranteed issue and renewal using a database of actual claims covering over 6 million people. They predict that the small group premium rates will increase by 20 percent.

OACT ESTIMATES

This analysis focuses on the number of people with health insurance coverage through their employer whose premium rates are expected to increase or decrease as a result of the guaranteed issue, guaranteed renewability, and premium rating provisions of the ACA only. Other factors affecting rates such as changes in product design, provider networks, or competition are not considered. In addition, other provisions of the ACA, including the coverage expansions, the extension of dependent coverage to age 26, the individual mandate, and the employer mandate will impact the availability of coverage, the take-up of that coverage, and the premium rates charged to those who currently have employer-sponsored insurance, but those impacts are not included in this estimate. We prepared a more complete report on the financial effects of the ACA in 2010. As mentioned previously, the effect on large employers is expected to be negligible, therefore our evaluation examines the impact on employees of fully-insured small firms.

In 2012, about 18 million people were enrolled in the small group health insurance market through employers with 50 fewer employees. About 8 percent of small firms offered a self-insured health plan, therefore about 17 million people received coverage in the fully-insured small group health market. These 17 million people will be affected by the new premium rating requirements contained in the ACA. Before the premium rating provision of the ACA took effect, firms with employees who had better than average health risks would typically pay lower premiums, and therefore, they were more likely to be the firms that offer health insurance. As a result, most of people with coverage in the small group market have premium rates that are below average. Based on our review of the available research and discussions with several actuarial experts, we have estimated that roughly 65 percent of small employers offering health insurance coverage have premium rates that are below average.

Once the new premium rating requirements go into effect, it is anticipated that the small employers that offer health insurance coverage to their employees and their families would have average premium rates. Therefore, we are estimating that 65 percent of the small firms are expected to experience increases in their premium rates while the remaining 35 percent are anticipated to have rate reductions. The individuals and families

that receive health insurance coverage from their small employer generally contribute a portion of the premium. For this analysis, if the employer premium increases, it is assumed that the employee contribution will rise as well. Similarly, if the employer premium is reduced, the employee contribution is assumed to decrease. This results in roughly 11 million individuals whose premiums are estimated to be higher as a result of the ACA and about 6 million individuals who are estimated to have lower premiums.

There is a rather large degree of uncertainty associated with this estimate. The impact could vary significantly depending on the mix of firms that decide to offer health insurance coverage. In reality, the employer's decisions to offer coverage will be based on far more factors than the three that are focused on in this report so understanding the effects of just these provisions will always be challenging. Using their Compare model, RAND analyzed the impact of the entire ACA on small group premiums and determined that the effect would be minimal. Further, note that the number of affected individuals will be smaller in 2014 because (i) a number of small group plans were renewed early, and (ii) about half of the states have allowed extensions to their pre-ACA rating rules under the transitional policy announced by CMS on November 14, 2013.

SUMMARY

The Affordable Care Act requires all non-grandfathered health insurance coverage in the individual and group markets to be guaranteed issue and guaranteed renewable. In addition, all non-grandfathered insurance plans and policies in the individual and group markets can vary premium rates based only on age, family status, geography, and tobacco use, and the variation in the age and tobacco use factors is limited. This new premium rating requirement will impact the premiums paid by individuals and families working for small employers who offer health insurance. Specifically, we have estimated that the premium rates for roughly 11 million people will increase and about 6 million people are expected to experience a premium rate reduction due to sections 2701 through 2703 of the PHS Act.

SUPPORT FOR VENEZUELANS

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

Ms. FOXX. Mr. Speaker, I rise today in support of Venezuelans who seek to return liberty, the rule of law, and peace to their beleaguered nation. Over a period of years, the corrupt Cuban-backed Maduro-Chavez government has systematically looted and oppressed the people it purports to serve.

I received an email from a friend today who has spent significant time in Venezuela. He writes:

Students, tired of the corruption, the crime, the killings, an economy spiraling out of control, a lack of free press, are peacefully demonstrating, per their constitutional right, against the government. The government, instead of protecting the students and others demonstrating, is attacking, arresting, and often killing them.

Mr. Speaker, the death toll is growing; the list of political prisoners is growing. The repressive tactics of the Venezuelan Government cannot be ignored. I call on the administration to act and support Venezuelans who seek simply to secure the blessings of liberty for themselves and their countrymen.

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THE CRISIS IN VENEZUELA

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

Mr. GARCIA. Mr. Speaker, as they have for weeks, thousands of Venezuelans continue to risk their lives, taking to the streets in protest of their failed government. The people of Venezuela have seen their economy collapse, family members kidnapped, friends murdered.

While they plead for a better future for their country, the government brutally attacks its own citizens and clamps down on basic freedoms. This is not a democracy, and no conscientious nation should remain silent.

It is our responsibility to make sure the world knows full well what is happening in Venezuela, and that the Venezuelan government is accountable for these blatant violations of universal democratic principles.

As the protesters' latest motto goes, ''El que se cansa pierde''—he who tires, loses. The fight for freedom, justice, and human rights will never, never die.

THE CASE OF LEOPOLDO LOPEZ

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

Ms. ROS-LEHTINEN. Mr. Speaker, it is right and fitting for the United States House of Representatives to pay attention to the case of Venezuelan opposition leader Leopoldo Lopez, who has been unjustly imprisoned by the puppet regime of Nicolas Maduro.

Leopoldo is a grassroots leader and founder of the political party Voluntad Popular. He has been wrongfully accused of criminal incitement, conspiracy, arson, and intent to damage property.

Leopoldo is being held in a military prison, and his proceedings have been kept secret from the public. We cannot stand idly by while democracy and due process are trampled on in our own hemisphere, Mr. Speaker. Being silent is not an option.

Venezuelan students have been peacefully demonstrating against this regime that has no qualms repressing the protest with live ammunition and shock groups whose tactics are extremely violent.

Those of us who advocate for freedom have a moral responsibility to support the students in Caracas, Merida, San Cristobal, Valencia, and throughout Venezuela who, through peaceful means, seek the way to create a more perfect union with democracy and freedom as their guide.

THE OLYMPIC STRUGGLE IN UKRAINE

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

Ms. KAPTUR. Mr. Speaker, this weekend the world watched the close of the Olympic Games in Sochi, Russia. Our Nation distinguished itself.

Right next door, in the nation of Ukraine, another Olympic struggle was going on as tens of thousands of young people, the future of that country of Ukraine, rose in peaceful assembly and achieved their goal of removing corrupt leadership and of offering the hope that life in Ukraine could be better for all.

May I encourage the leaders of Ukraine's Parliament, the Verkovna Rada, to rise to this occasion, to embrace all of that great country, to keep the peace, to move toward democratic reform, so that the full potential of that remarkable place on this Earth can be reached for the first time in modern history.

May Ukraine extend west and south and east and north. Her power is yet to be fully realized, and we congratulate those who are moving toward peaceful progress in that nation.

May God go with you.

RECOGNIZING RARE DISEASE DAY

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

Mr. PAULSEN. Mr. Speaker, this week, on February 28, we recognize Rare Disease Day, which gives us a chance to raise awareness of the rare diseases affecting our communities.

In the United States, there are 7,000 rare diseases affecting nearly 30 million Americans. One disease I would like to raise awareness about today is pulmonary fibrosis, which affects individuals' lungs and their ability to breathe.

Pulmonary fibrosis kills 40,000 Americans each and every year, the same number of annual deaths as from breast cancer. There is still no known cure, no known cause, and no FDA-approved treatment.

Earlier this year, Mr. Speaker, Senator COONS and I led a bipartisan letter, with 41 other Members of Congress, asking the National Institutes of Health to review their funding levels for rare diseases like pulmonary fibrosis. This letter shows that Members on both sides of the aisle want to see more progress in fighting back against these rare diseases.

Mr. Speaker, I encourage my colleagues and constituents to remember our fellow Americans suffering from rare diseases, including pulmonary fibrosis.

HONORING THE LIFE AND SERVICE OF WILLIAM T. MAGEE

(Mr. WENSTRUP asked and was given permission to address the House

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

Mr. WENSTRUP. Mr. Speaker, on February 28, another member of America's Greatest Generation will be buried at Arlington National Cemetery. William T. Magee—''Tom,'' as he is known—was an American and Cincinnatian we can all be proud of.

Tom was awarded the Distinguished Flying Cross, two Bronze Stars, and two Presidential Unit Citations during his service in World War II.

Serving aboard a B–24 Liberator, Tom's plane was shot down over enemy territory, and he survived 10 days in enemy territory before returning to the fight.

Later, with a different crew, Tom safely landed a bomber after the pilot and copilot were killed by enemy fire.

Tom came home to Cincinnati, where he lived the rest of his life, devoted to his family, work, and community. Tom's legacy of serving his Nation inspired three children and two grandchildren to serve our nation in conflicts ranging from Vietnam to Iraq and Afghanistan.

Thank you, Lieutenant Magee. A grateful nation salutes you. Rest in peace. Rest in peace.

THE FAIR ACT

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

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to talk about fairness, to talk about individuals, many from my district, who are being treated unfairly because of the President's health care law.

Marjorie, from Carmel, recently wrote to tell me that coverage on the exchanges for her family will cost at least $1,500 a month. Her husband recently lost his job in the health care industry, and she has two kids in college. Her only option may be to go without health care and pay the penalty to the IRS. For Marjorie, ObamaCare is not fair.

Mr. Speaker, too many Hoosiers, too many Americans have similar stories. The President has delayed the employer mandate for businesses twice, but he has offered no such relief for individuals who are struggling.

That is why Republican Study Committee Chairman STEVE SCALISE and I have introduced the FAIR Act. This simple bill ensures that whenever the ObamaCare employer mandate is delayed, the individual mandate will be delayed as well.

House Republicans understand that fairness means not treating people differently. It means government cannot pick and choose which laws apply to which Americans.

Mr. Speaker, let's pass this commonsense piece of legislation. It is the fair thing to do.

NATIONAL CAREER AND TECHNICAL EDUCATION MONTH

(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 as cochairman of the bipartisan Career and Technical Education Caucus to recognize National Career and Technical Education Month, celebrated each February.

National CTE Month recognizes the contributions that career and technical education programs make to the American economy, along with the important work being done by CTE professionals and teachers.

In today's competitive job market, high-paying, high-demand jobs require technical skills and training. CTE programs have been historically underutilized, yet, in an era of record high unemployment, these programs are the key to bridging the skills gap.

CTE Month is also a time for policymakers to ask, are we doing enough to ensure individuals have the skills that will lead to a family-sustaining job?

Now, I know my fellow colleagues in the Career and Technical Education Caucus share these concerns. I was pleased to learn that Senators ROB PORTMAN of Ohio and TIM KAINE of Virginia have followed suit and organized the Senate CTE Caucus, and I look forward to working with them and my House cochairman, Mr. LANGEVIN of Rhode Island, as we continue to promote America's competitiveness through CTE programs.

MAKING IT IN AMERICA

The SPEAKER pro tempore (Mr. STEWART). Under the Speaker's announced policy of January 3, 2013, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, I am delighted to be back on the floor once again. I won't take a whole hour here, but I wanted just to talk about something that is so very important to America and, really, to the future of this country.

I like to start these discussions with what are we all about? What should we really be thinking about?

I find myself often going back to Franklin Delano Roosevelt during a very difficult time in America's history, the Great Depression. He put forth a principle, if you would, a values statement of what he was about and really what this country could and should be about.

He said the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

It is a values statement. It is a statement of what I like to believe I am here for, to deal with this profound, important issue in this, another period of stress for the American family.

We often find ourselves here on the floor, and I do this almost all the time, talking about this subject, the subject of Making It in America. This is a manufacturing strategy for America, and in this strategy there are many elements that we spend time on the floor talking about and legislation that we push here dealing with how to revive the manufacturing sector, and in doing so, give the American family, the American middle class, an opportunity that it once had: to find a good-paying job, to be able to make it in America with their family, to provide for a home, for food, for clothing, for education, vacations, sort of the American Dream, to be able to do those things. They knew that if they would work hard they would be able to make it.

Well, one way of achieving that is with this strategy of rebuilding the American manufacturing sector to make it in America, whether that is manufacturing food, as occurs in my district—it is a big agricultural district—or some of the new technologies of biotechnologies of one sort or another.

The high-tech industry, the automotive industry is coming back, and indeed, for a variety of reasons, some of it had to do with on our legislative agenda. We are seeing the revival of the American manufacturing sector. Good, wonderful. That is where the middle class jobs will largely come from.

There are various pieces of this. There is the trade policy, and there is much debate here on the floor now and in the months ahead about the Trans-Pacific Partnership, a new trade deal. Is it going to be fair trade or free trade?

We don't need free trade. What we need is fair trade.

The tax policies—certainly we see this in the kind of tax breaks that are out there. Does the oil industry need additional tax breaks?

Their incomes, which are the largest profits in the world, do they need to be supplemented with American taxpayer money?

Right now they are, the Big Five: $6 billion a year of American taxpayer money going to them.

We talk about tax policy, talk energy policy, but I want to really focus this evening on these two issues, labor and education.

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We will leave aside the research issues—which are fundamental to future economic growth because you have to be out ahead, and that is where research comes in—and the infrastructure, which I will weave into this.

But I really want to focus on labor and education. And I want to focus on a very important part of this equation, this very important part about the middle class and those who want to be in the middle class.

Specifically, I want to talk about women, and I want to talk about a women's economic agenda, about why this is critically important not just to women and their children and the families, but also to America and to America's future.

We know that the American family has changed. We know that, over the years, more and more families are raised by a single parent, and in most cases, that is a single mother. And so a women's economic agenda is critical for those children.

It is also critical for the American economy because, when women succeed, America succeeds. This is a theme we are going to spend a lot of time talking about. We are going to talk about women in the American economy and their success.

And here are three of the principles that we need to talk about. America's success is dependent upon the success of women because women are a major part of our workforce today, and they are a major part of the poverty issue in America.

One in three women in America are living in poverty or are teetering on the brink of poverty. That is 42 million women, plus the 28 million children who depend upon them.

And the American family has changed. Today, only one in five families has a homemaker, a mom that is a stay-at-home mom, and a working dad. Two out of three families depend on the wages of the working mom. Two out of three families depend upon the wages of the working mom who is struggling to balance caregiving as well as breadwinning.

The average woman continues to be paid just 77 cents for every dollar that a man working in the same job, the same skill sets, and the same amount of time at that job earns, so the living wage and equal pay for equal work is critical.

The average African American woman earns 64 cents compared to a man doing that same work, and an average Latina earns 55 cents. This is a huge problem for those individuals. It is also a huge problem for the American economy because a large portion of the American workforce is held back by simple discrimination, obviously discrimination based on race.

An African American woman, a Latina woman, 55 percent of the wage that a man would earn in that same job, or 64 percent for an African American woman. It is discrimination, for which there ought to be no place in America.

Closing the wage gap between men and women would cut the poverty rate in half. Closing the wage gap for an African American woman, for a Latina woman, for a European woman would reduce the poverty rate in America by 50 percent.

Is this on the agenda for America? Is poverty on the agenda? You would think so, listening to the debate on the floor of the House of Representatives. How do you close the gap? End wage discrimination. That is how you do it.

This is not a new issue. This is an issue that has been with us at least for the last 60 years. President Kennedy talked about this in the early part of his all-too-short Presidency.

Women make up nearly two-thirds of the minimum wage workers in America, and a vast majority of these workers receive no paid sick days, not one, not one paid sick day; yet these are the mothers, these are the mothers that have the children, and these are the children that get sick.

So what is that mother to do? She might very well lose her job. Even though she is earning less than a man, she might very well lose her job when she does what every mother wants to do, and that is to care for their sick child.

More than half of the babies born to women under the age of 30 are born to unmarried mothers; and most of those mothers are White, a single-parent family and a woman, a White woman earning 77 cents doing a job that a man is paid a full dollar.

There is something wrong with this, and this is something that the House of Representatives and the Senate must deal with, and I am sure the President would sign that bill.

Nearly two-thirds of Americans and 85 percent of the millennials believe that the government should adapt to the reality of single-parent families and use its resources to help children and mothers succeed, regardless of their familial status.

An overwhelming 96 percent of single mothers say paid leave in the workplace policy would be the most help to them, and 80 percent of all Americans say that the government should expand access to high-quality, affordable child care.

A living wage, equal pay for equal work, paid family and medical leave, and affordable child care, this is an agenda. This is the Democratic agenda; this ought to be the Republican agenda; and it surely ought to be the American agenda, because when women succeed, America succeeds.

Three things that have been on the agenda for America for a long time and that are obviously not yet done. A living wage, this is the minimum wage issue. This is swirling around the congressional debate. Should there be a living wage, a minimum wage, a minimum wage of $10.10 for every American? What would it mean to women? It would mean that half of the women in poverty would no longer be there.

When you couple it with equal pay for equal work, suddenly, you have an American agenda where we can go after poverty, where the great debate about the equality of opportunity in America is addressed, where the equality and the wage disparity is addressed, where we can make some real progress in dealing not only with poverty, but also dealing with the well-being of our children.

We are in America, where one out of four American children go to bed hungry. You want to deal with that issue? Then you deal with a living wage and the minimum wage issue, $10.10, which is actually just about equal to what the minimum wage was when Ronald Reagan was Governor of California, long before he became President, and then you pay equal for equal work. This is an agenda that ought to be the American agenda.

Here is a little bit more on it. The challenge, the gender pay gap, where an African American woman earns 64 percent, or 64 cents, of what a male would be paid for in that same job, where a Latina earns 55 cents for what a man would earn doing that same job, and where, on average, across this Nation, it is 77 cents, the gender pay gap.

The Paycheck Fairness Act, H.R. 377, raise the minimum wage, H.R. 1010—which, by the way, ought to be $10.10—these bills have been introduced. These bills have strong Democratic support. These bills are not heard in those committees that our Republican colleagues control.

It is time for these bills to be taken up. It is time for America to end the gender pay gap with H.R. 377. It is time for the minimum wage to become, once again, equal to what it was in purchasing power when Ronald Reagan was Governor of the State of California in the 1960s, H.R. 1010, $10.10 an hour for every worker in America, wherever they are, whether they are a woman or a man.

Working family, how is a parent to care for their children? If you care about family values, this is important. This is important if you care about family values. What is a working mother to do? Remember, roughly half of the American families are now headed by a single woman.

If that child gets sick, in many places across America, that mother is faced with a terrible quandary. Are they going to go to work and leave the child at home sick? Or are they not going to go to work, lose a day of pay or, quite possibly, lose the job, which is not uncommon in America?

So we put forth H.R. 1286, the paid sick leave act, something that is common, in fact, in every European country, advanced economies around the world understand family values, like ours should, too. They understand that parents, man and woman, husband and wife, single father or single mother want to take care of their children.

We have six children. We have raised those children. We have 11 grandchildren. And we understand that those kids are little petri dishes that collect germs and get sick. We understand what it takes to care for a child. It takes the attention, the full attention, of the husband or the mother or the single mother or the single father.

H.R. 1286 is languishing in the committees controlled by our Republican colleagues. We talk a lot about family values around here. If you really care

about them, then you would let that parent have a paid sick leave so they can care for their child.

Children, oh, we spend a lot of time talking about children, our future, the destiny of America, children. What can we do now to help every child in America? What can we do now to help every family in America?

Well, I would suggest that we take a look at H.R. 769, the Permanent Child Tax Credit Act. We have a child tax credit. It bounces up and down, depending upon the whims of Congress and the Senate and the President.

This would permanently increase the child tax credit so that every working family, from the top down to the bottom, those people that are on the edge of poverty, those people are not now earning $10.10 an hour, that are at just above the now minimum wage at the Federal level, say $7 an hour, so that those people would be able to at least have a little more income with the permanent child care tax credit.

How long have we known that, if you could give a child early education, pre-K, prekindergarten education, that that child, in the formative years of their brain development, would advance faster and longer in the development of their mind and their capabilities to address the challenges that they will have out ahead?

We have known this for decades. We know that, if you can get your child into pre-K, into early childhood education, that that child can be advancing faster, be better able to handle first grade, second grade, and on, all the way through college.

This is not just an American issue. Around the world, countries that want to advance their economy, countries that want to have social justice, countries that want their families to have economic opportunity, they want early childhood education.

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So we put forth H.R. 3461, the universal pre-K education act. Universal pre-K, can we afford it? Of course, we can. When you consider the benefit to this Nation and when you consider the benefit to that individual child, you would say of course we can afford it, and, alternatively, we cannot afford not to do it. We cannot allow a large percentage of our children to not succeed in school, to not be able to keep up, to go into a classroom ill-prepared, whether it is kindergarten or first grade, to begin behind on the first day of school. It is not uncommon—I don't know, the percentage is probably somewhere less than 25 percent of the children in America are able to get pre-K education.

But I will tell you who is able to get it: those families that have the upper income, those families that are not worried about the gender pay gap, and those families that are not worried about the minimum wage. Those families are able to send their kids to early childhood education courses of all kinds. And so when those children enter kindergarten, when those children begin the first grade, they are the ones ahead. They are the ones that are likely to stay ahead. And for those children that don't have this opportunity, they are the ones that are behind. They are the ones that are going to fail. They are the ones that will drop out and likely to become the troublemakers of the future.

So why not give every child in America an equal opportunity to succeed? Can we afford it? You bet. We cannot afford to not do this. This is critical. This is our agenda. When women succeed, America succeeds. This is a family value agenda. This is an agenda where, if you care about the American family, if you care about its success, if you care about its health, then these are the issues that we ought to be pushing: the gender pay gap, equal pay for equal work, the Paycheck Fairness Act, H.R. 377; raise the minimum wage, H.R. 1010.

I would ask our Republican colleagues who care deeply about family values—and I know they do—to consider these two pieces of legislation. And if you don't want a Democratic author, find a Republican author and we will support it. We don't care who carries the bill. We just want paycheck fairness, equal pay for equal work. We just want the minimum wage to provide enough for a family to at least survive and thrive.

If you care about family values, then you will want to talk about paid sick leave so that a mother or father doesn't have to make a choice between their job and their child's health.

H.R. 1286, let's give every family a chance. Let's give this a hearing. Let's give this bill a hearing in committee.

And, finally, all of us will stand here on the floor and we will talk for hours about our children, but are we willing to actually do something? Are we really actually willing to fund early childhood education? And are we willing to make permanent a tax break, a child tax credit? Or are we just willing to yap and talk?

Here is something positive. Here is something real. Take up H.R. 769, the Permanent Child Tax Credit Act. Take up universal pre-K education, H.R. 3461. If you are not willing to take these bills up, if you are not willing to introduce something similar to address these issues, then it is all talk. It is just a lot of hot air, for which there is justifiable belief that that is most of what is done around here.

Give the American family a chance. Give American women the opportunity to succeed. Let's do it. And we can. So this is our agenda. This is part of the Make It In America agenda when we talk about labor, when we talk about education, we talk about women in the workforce, and we talk about their opportunity. We can Make It In America. We can make things. We can make locomotives, we can make solar cells, and we can make windmills. But if we want the American people to make it, if we want them to be able to take care of their families, if we want children to thrive, and if we really want the American family to make it, then we had better be thinking about women, and we had better remember that when women succeed, then this country will succeed.

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

JUDEO-CHRISTIAN VALUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my privilege to be recognized and to address you here on the floor of the United States House of Representatives. Of all the things that are on my mind that I would like to express to you, I know that there are also a good number of things on the mind of the gentlelady from Florida, and so I would be so happy to yield as much time as she may consume to the very classy gentlelady from Florida.

Ms. ROS-LEHTINEN. I thank the gentleman from Iowa for yielding me this time.

Mr. Speaker, I rise today to urge this legislative body to stand in solidarity with the freedom seekers and the pro-democracy advocates of Venezuela. They have taken to the streets, as you can see in these posters, to demand an end to the rule of Nicolas Maduro's antidemocratic measures and his failed economic policies that have caused a shortage of basic necessities like bread, electricity, and more, despite the vast oil wealth that the nation has.

But the harshest shortage is democracy. These unarmed freedom seekers have predictably been met by the heavy hand of Maduro's state thugs. As the Venezuelan forces have responded with violence, Maduro remains intransigent. He vows to continue to unleash the National Guard on these unarmed protesters under the false pretense of protecting the people of Venezuela.

Montesquieu said that there is no crueller tyranny than that which is perpetrated under the shield of law and in the name of justice, and that is what we see with Maduro in Venezuela. There have been over a dozen deaths so far, Mr. Speaker, a high number of arrests, including one of the most vocal critics of Maduro, Leopoldo Lopez, who turned himself in even though he is facing serious, trumped-up charges. His case caused Amnesty International to condemn Maduro, saying the charges against Leopoldo Lopez were politically motivated and an attempt to silence dissent in Venezuela. I agree.

I ask my colleagues to be as vocal and as engaged on the crisis of democracy in Venezuela as they have been on the problems in Ukraine. It is vitally important to highlight the democratic struggles of the people of Venezuela,

where over a dozen pro-democracy advocates have been killed in the past weeks as Maduro unleashed the thugs in an effort to silence the masses.

The people of Venezuela deserve better than Maduro's abuse of power, his corruption and his antidemocratic measures, and they are pleading for help and looking to the world, turning to the United States, to speak out against these injustices and to help—help them as they fight for their fundamental rights.

The United States must stand with them in this struggle. That is why, Mr. Speaker, I have introduced a bill tonight, H. Res. 488, a resolution that says to the people of Venezuela, to Maduro, and to the world that the United States stands on the side of those who seek liberty and who seek democracy in Venezuela, and that we will not remain silent while those abuses persist.

This resolution also deplores the inexcusable use of violence against opposition leaders and the protesters—many of whom are just students—and the use of intimidation to try to silence dissent. H. Res. 488 also urges responsible nations to not sit quietly by on the sidelines but to instead stand with them in solidarity with the people of Venezuela to actively encourage a process of dialogue to end the violence.

Mr. Speaker, this body must not remain silent on Venezuela. I urge my colleagues to stand in support of freedom, in support of peace, in support of nonviolence, in support of democracy, and in support of those seeking a peaceful, democratic process in Venezuela, and to cosponsor my resolution, H. Res. 488.

I thank the Speaker for the time, and I thank the gentleman from Iowa for yielding me his time.

Thank you, sir.

Mr. KING of Iowa. I thank the gentlelady from Florida. And reclaiming my time, I will move to the microphone.

Again, Mr. Speaker, through you I am thanking the gentlelady from Florida for raising this issue and giving me the number of the bill that I expect to sign on in business tomorrow, H. Res. 488. I am of the opinion that here in the House of Representatives we have too few people that demonstrate the leadership that the gentlelady from Florida is demonstrating tonight and taking a stand on foreign policy issues. I am very happy to see the focus that has been brought on Venezuela from some of the leadership that emerges from Florida.

It has caught my attention, Mr. Speaker, when I listen to the circumstances taking place in Venezuela, I can't help but think about essentially the sister state of Cuba and how they have led the Marxist socialist regime in the Western Hemisphere since about 1959. I think of this Western Hemisphere, all of it, as the domain of, as Churchill described it from this hemisphere, Western Christendom; the foundation of Western civilization, Judeo-Christianity; the values that come from the Old and New Testament; the values that Christopher Columbus brought here across the ocean, and that great footprint of the moral values and the ethics that have emerged as part of our Old Testament values and our New Testament values; the idea of the Protestant work ethic, turning the other cheek and building a civilization, a society to provide the best opportunity for salvation to glorify God and our country and to understand, as our Founding Fathers understood, that our rights do come from God, and to promote that. The full-throated Americanism as the leaders of the free world, of Western Christendom, has not been asserted strongly enough in this hemisphere, and certainly not strongly enough in other hemispheres, Mr. Speaker. But it comes home when you see the violence in a place like Venezuela where at least a dozen dissidents have been killed as political enemies to the Maduro regime, and one a beauty queen who was abducted on a motorcycle, shot in the head, and died last week.

The tragedy that is taking place down there, I can't help but reflect back upon my travels in that part of the world and recognizing a trip through some of the places such as Argentina, Brazil, Peru, and Panama, some of the stops I made along the way. I have not been to Venezuela. I have been to Cuba, Mr. Speaker. But one thing that I recognized is that in South America they just don't know America very well. They don't know Americans very well. They look to the United States as the leader in the free world, the economic leader, the military leader, and the cultural leader, but we watched as the beginnings and the growth of the leftist regimes have taken hold in South America for a number of reasons.

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Some is because nature and power abhors a vacuum, and we have allowed a vacuum to take place in places like Venezuela.

In Cuba, we have sat back and watched for all these years waiting for the biological solution to take place with the Castro brothers—and that is the vernacular that I picked up on a trip to Cuba some time ago.

If the United States doesn't take leadership in this hemisphere, we are going to see some philosophy, some ideology take that leadership, and we have seen it take place in Venezuela. Hugo Chavez seemed to be enamored with Cuba, and we have seen Fidel Castro led the Marxist regime in Cuba, and influenced Venezuela. It is hard to think of a Venezuela that has been such a Marxist thorn in the side, a belligerent Hugo Chavez, one who called our President ''the devil'' from New York City from the United Nations, from the podium, and went on with, I will say, a smelly description, Mr. Speaker, that was offensive to anyone on the planet, let alone Americans.

Hugo Chavez drove that Marxist agenda in Venezuela, and then he handed this thing over to Maduro, according to Maduro, and now we have a second regime there, a second Marxist regime that is oppressing its people and killing freedom demonstrators and dissidents and people that stand up for freedom, and we have sat here without a strong voice coming from our President of the United States. Not a condemning voice of the violence in Venezuela, not a strong leadership that says to them there is a reason why you are running into shortages. One thing that the gentlelady from Florida didn't miss: a shortage of toilet paper, of all things. Now, how can an oil-rich country that is rich enough to promise that they are going to give free energy and fuel to Americans—that was just a couple years ago by Hugo Chavez—and yet they can't operate an economy that can provide the simplest necessities of life, like some food products, or toilet paper, for example. Those things are produced automatically and spontaneously by a demand economy that comes from free enterprise.

If there is no product on the shelf, and say it is milk or bread—in Cuba it is the ration of sugar and beans and rice—but if there is nothing on the shelf in America, somebody will look around and think, Why is that shelf bare? Why can't I buy something I want, and they will start to produce it. If you bake a loaf of bread and put it on the shelf, and it is of moderate quality for a moderate price, someone else will come along and bake a better loaf of bread for a lower price, or maybe a cheaper price of equal quality, and that competition of one loaf of bread sitting next to the other decides. When the consumer pulls that loaf off the shelf and puts it in their grocery cart, that is a vote for one product over another. It happens over and over again in this country, and because of that, we walk into a grocery store in America—and I remember the stories when the Russians first were able to come over here and see what a supermarket looked like. It was amazing for them to see that you could grab anything you wanted.

Then I think of my trips to places like Russia and Cuba, and it looks to me like their societies and their civilizations are trained to stand in line. When we went to the Duma in Moscow a few years ago on a trip, we stood outside even though we were expected by their parliamentarians. We waited a long time to get in line and then a long time to get into the line where you hang your coat up. Everybody wears a heavy coat over there. Then to get into the line again to go into the hallway, and then get into line to go into the room, then to go into the waiting room, and I looked around at people that were standing in line, and it looked to me like maybe they didn't all know why they were in line, but it

was what they were trained to do, stand in line. I presume when they got to the front of line, some of them found out why they were there. Maybe all of them knew. I didn't know the language of the culture there. When they finished that, they would go get in another line.

It is a full-time job to go line up and wait for those things that come to us as Americans, offered to us, some of them delivered to us, but free people stand in fewer lines than oppressed people do. You will see lines in communist countries far more often than you see lines in free countries like the United States of America.

You don't want to stand in line to buy something. You don't want to stand in line to receive something. You will stand in line for something free from government. That happens in this country, too. You surely don't want to stand in line to pay for something that you already have. So you will find there is somebody working the cash registers to move you through to get their hand on your credit card and ring that up. That is what happens in a free country.

Lines in Russia; lines in Cuba. I recall seeing a couple of lines in Cuba that I didn't expect to see. One of them was a line for ice cream. As we went down the street, I looked over and here is this long line that went for a couple of blocks. I asked our guide, What is going on there? They have a shipment, a delivery of ice cream, and so the Cubans are lining up to get an ice cream cone. Now two blocks to wait for an ice cream cone? We wouldn't do that. We would walk another block to get an ice cream cone at the competing store, or the one next to that, or the one next to that. That is one of the differences that are taking place.

You know, I reviewed some of the speech that was delivered by Ms. ROS-LEHTINEN's Senate counterpart, Senator RUBIO, and as he spoke on the Senate floor about doctors and about how the junior Senator from Iowa, and that is my word ''junior,'' who traveled to Cuba and was very happy and proud of what he had seen there and the accomplishments of the Castros and talked about the medical system that they have in Cuba. I think that flows from Michael Moore's movie rather than anything that has to do with fact, Mr. Speaker, but it was stated by the gentleman from Florida that yes, they have good doctors, doctors that are Cuban, and many of them are the ones that defected to the United States. I agree with that statement.

He also mentioned doctors and cabdrivers. I have experienced that. I have hailed a cab in Havana, a legal trip to Havana, I might say, which might have been different than the ones we are discussing, and what do you meet behind the steering wheel? A doctor driving a taxi cab. What was the most logical tax cab when I was there? A 1954 Chevy with a Russian diesel engine under the hood. It looks like it is a rolling repair shop up and down the streets, which are better than I thought they would be. There are cars that have pulled off that break down, and they just come along and jack them up and crawl underneath and fix them with the parts that they can scavenge. When the car is repaired, they drive it on again. It is part of traveling to stop and repair the vehicle you are in. These vehicles are put together from parts from different places.

One of the things also that I noticed was that there were Russian tractors sitting all over the place. They are broken down, and they had been robbed for parts. There would be a circle maybe of grass growing up around the tires where they had been there for a long time.

Then I began to notice that there were these Brahmin oxen around the island in a lot of places, and they are staked down with a rope. There is a stake driven down and then a rope, so they have what I call a pivot-grazing system for these Brahmin cattle that they are using as beasts of burden, and I imagine raising them for the meat they get as well, scattered all over the island. I was able to plow with a team of Brahmin oxen. I had my NRA cap on, and I have a picture of that that I won't forget.

But what happened in Cuba was, back in the 1990s when the Soviet Union was going with a stronger economy than the Russians are today, Mr. Speaker, they saw the Soviet Union meltdown going into the 1990s, and when that happened, the subsidy for Cuba stopped. They weren't able to continue that subsidy. What had been taking place was Cuba raised sugar. The world market for sugar then was 6 cents a pound. The Russians would send them oil for sugar. The Cubans would ship the sugar to the Russians, and the proceeds from the oil would come into Cuba, and they were getting 51 cents worth of oil for every 6 cents of sugar they sent. That was how they propped up the government in Cuba. It was subsidized by the Soviet Union. That was the most important equation of it all.

When the Soviet Union imploded and shrunk back, states declared their independence and the Russian Federation was formed a little bit over time, the Cubans had to stand on their own. When that happened, the subsidies stopped, so did the parts and the support for the Russian tractors that were being used. They got parked as they broke down, and then they were robbed for parts. It is the only economy that I know of that has gone from an industrialized, mechanical tractor production for agriculture back to using animals again and animal husbandry. That is digression, and I would make that point to my junior Senator from Iowa.

Cuba digressed. It wasn't progress, it was digression. They digressed to using animals as beasts of burden again, where once they had tractors, albeit Russian tractors. They digressed from doctors in the clinic and hospital to doctors behind the steering wheel of a 1954 Chevy with a Russian diesel under the hood. They digressed from a country that had a measure of freedom, however harsh the dictatorship was under Batista, to a nation now that has been oppressed and under a communist dictatorship since 1959.

The Senator from Florida also mentioned that they don't have the freedoms there, that even though there was discussion about access to the Internet—I can tell you personally, the Senator from Florida is right, Cubans don't have access to the Internet. I was on a trip up to a college up in the mountains in Cuba. We rode up there in the back of a Russian deuce-and-a-half, and it took, oh, about an hour and 45 minutes or maybe 2 hours to wind our way up there into this little campus in what I would call hills, but they said mountains. As we were interviewing some of the professors there and some of the students there, I was standing next to a gentleman who was from Florida. His parents had escaped from Cuba and still held deeds for land that they owned, real estate that they owned in Cuba that they had never been compensated for. He was perhaps the best interpreter that I had ever experienced. His name is Ed Sabatini, and I hope that Ed Sabatini is out there somewhere.

As they were talking, he was telling me what they were saying, and he was reading their body language, their voice inflection, and what they said and putting this together for me in real time. He was one of those people who could talk and listen and interpret simultaneously. He was very skilled. He said to me in the middle of this, as I was asking questions of the Castro minders, he said, you realize that they are not asking the questions that you are asking, because I would ask a question to one of Castro's minders and interpreters. He would turn to a couple of instructors at the school. He would ask a question in Spanish and return it back to me in English. Ed said to me, You know the minder, the Castro minder, is not asking the questions of them that you are asking, and he is not giving you the answers that they are returning. He is telling you something different than you would be learning if you could understand what they were saying. No, I didn't know that. So we broke away from that conversation.

I had asked, Do you have Internet here at this school, at this university? It was a specific question. Their answer came back specifically, Yes, we have Internet.

You have full access to Internet?

Yes, we do. We are in the modern world. We have full access to the Internet.

When I learned they were not answering my questions, we moved away and went down to talk to the some students sitting on the curb, and began more of a rapid-fire conversation that I was catching up with a little bit after the

fact. I wanted to know what this Internet looked like, tell me some more facts about the Internet. They didn't seem to know how to answer the question on having Internet access. We drilled in to get the answer, and it was this: yes, they had access to Internet, and if they had a question that they needed a response to that they would get from the Internet, then they would formally make that request. They would write that request out in a letter form, and put the letter in an envelope, and when the Russian deuce-and-a-half went down the mountainside to Santa Clara, a small city near there, they would deliver the request in letter form, and then whoever was the minder of the Internet would decide if they would get them the answer off the Internet. They would apparently access the Internet, print out the answer that they thought that the student or the instructor should have, put that on a different Russian deuce-and-a-half after a few days or a week, and it would wind its way back up the mountain again. It was 70 kilometers away at least, to send a Russian deuce-and-a-half down with a letter in it to ask somebody who had clearance from Castro to go on the Internet and get an answer back, to send a Russian deuce-and-a-half up the mountain to a student.

That is Internet access as I saw it and heard it from the lips of students there on that mountain school that is like an extension school, an ag college. Some will know what the name of that school is.

When I found that out, I said I want to see out what you have. So we went into a classroom. As we walked into the class courtroom, there were 12 or 14 computers in there. So yes, they had computers. They were old 386s. There were two or three students sitting at every screen, and the instructor was teaching a course on how bad capitalism is.

Now, Mr. Speaker, I wish I had had an iPhone so I could have taken a picture of that screen and captured it. It was in Spanish, but it was interpreted to me this way, and this is what I can recall. There were five points on why capitalism is so bad. They were instructing these kids, these students, they were college-aged students, and they were all young men, on how bad capitalism is, and one of the lessons of these five points was a capitalist keeps all of the money and all of the profit and takes enough just to feed the worker so the worker can just barely survive while the capitalist gets rich.

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That was one of the five points, and it was those kind of Marxist points on down the line. As we walked in, they were in the middle of indoctrinating their students in favor of Marxism and against capitalism.

I don't know who has seen a lesson like that take place in a communist country. I have. It impressed me that how does a young person in a controlled environment with controlled communication ever get the idea that there is a whole great wonderful world out here in America?

But they have a sense of what America is like because then it turned into a question-and-answer period. There were students that were asking questions directly of me. Most of them had to do with agriculture. I was answering them through Ed, the interpreter. Then at a certain point, it became too rapid fire, and he took it over and just did the conversation.

But here is what happened. I remember one big-faced young man sitting in the back of the room, and he asked some of the most prescient questions. But these questions were: Who sets the markets for your agriculture products? And what would be the price of beans and rice and corn, for example, and oats and wheat?

I answered him that the market sets the prices. Well, how does the market set the prices? Well, there is a buyer that makes an offer and a seller that decides whether or not to take it. If the seller says no, then the buyer might decide to raise his price until they get to a place where they agree. That was an amazing concept, and it looked like they had never heard that before.

Then it is, well, no one sets the prices; how can that be, that no one sets the prices? And the second thing will be, well, how often does the price change? That can change hundreds of times a day. It changes every transaction because the buyer and the seller can reach at a different point down to the tenth of a penny, a hard concept for them to understand.

Another question, who sets the price of farmland in the United States? Well, I know about that. The market sets the price of farmland.

Another new concept was, well, no one steps in and assigns a price? No, the buyer and the seller have to agree. That sets the price. You can see that soaking into their minds as they were asking the questions.

And then a question was, Why does anyone ever sell land? I had to explain that sometimes you reach that point in life when you don't want to work the land anymore; maybe you want to retire; maybe you want to take your capital out and roll it into another business; maybe you want to put it into savings; maybe you want to sell it to a neighbor who can utilize it better and the price is high enough; maybe you are overleveraged with a lending institution and you have to sell off a piece of land to get liquid again; maybe the economy went bad and you went broke and you had to sell it all before the bank foreclosed; or maybe the bank foreclosed and then sold it all out from underneath you, as we would say.

All of these were new concepts for these young men in this classroom in Cuba that I had been told by Castro's minders that, yes, they had full access to the Internet, they had computers, and they were connected to the modern and real world.

Well, what I found out was they only had old 386's. They were sharing them two or three at a station. They were learning on the screens of these computers in the old font style that you would see, with that kind of green screen with white lettering on it. They were learning the perils of capitalism and the merits of Marxism.

So that is the kind of minds that are influenced by the Castro regime. We have had an embargo on trading with Cuba for a long time, and we have got a lot of years invested in it. We need to keep it in place. We have to have the kind of leadership in this country that can inspire people to step up and take their island back.

We need the kind of leadership in this country that can inspire the people in Venezuela to step up and take their country back. We need the kind of leadership in this country that will send the message and go down and stop and visit and inspire, in country after country in this hemisphere—even if we are only speaking about this hemisphere—to inspire the people of Central and South America to embrace the kind of life that we enjoy here.

The difference between the United States of America and countries in points south isn't because we are blessed with an extraordinary amount of natural resources that sets us apart. They have a lot of natural resources down in Central and South America, too.

It isn't because our climate is so much preferred to theirs. They have a favorable climate in most of their continent as well, and a lot of people go down there because their climate is favorable to ours.

I have a cousin who spent 8 years in the Peace Corps at Tegucigalpa. He sat in the mountains. He had the only refrigerator for miles around. That is because he is a diabetic, and he needed to keep his insulin in a propane-powered refrigerator.

I talked with him those years ago, and I said, what is the yield potential for corn? Now, we will raise now over 200 bushel an acre in our neighborhood. Down there, a decent crop back then was a little over 100 bushel. He said it has got the potential to raise 100 bushel.

What does it need? It needs fertilizer. It needs seed corn. I said, can't you get fertilizer and seed corn down there?

After I pressed him very hard in those idealistic years when we were still young and haven't experienced a lot of the world—and he more than I have—and his answer was, you have to understand the mindset when you are in subsistence agriculture as opposed to agriculture for profit.

He grew up on a farm. He said the difficult thing you have is to try to not get so hungry that you have to eat your seed corn. That is a different mindset.

We do capital investment here. We wouldn't think of starting a house and

building a house very often, at least, unless we had the capital lined up to go in and build that thing and frame it up and close it in and get it wired and get the utilities all set up, put the roofing and the siding on, and pave the driveway. We might even sod the lawn and have that all penciled into our deal, and then we start.

Down there, it is a different attitude. If they get a little bit of money together, they will go buy a few bricks and put that in the wall of the house. If they get a little more money, they do a little more. They might be building on that house for years and years and years.

Maybe they don't ever get to live in it, but their children do. Maybe their grandchildren move into that because they don't have access to capital like we have because—guess what, Mr. Speaker—because they are not capitalists. They are Marxists. They live with the oppression of Marxism, and it has to be mind control and thought control.

If you fear that your neighbors are going to report you to the regime, if you even fear that your family members that sit around the supper table with you, that one of them might be currying favor with the regime and report what you said at the supper table at night, after a while, it disciplines your thought to not think those things anymore because what you think eventually you might say and what you say might get you in trouble with the regime and might get you imprisoned, incarcerated. And then you can be the subject of the regime and have to suffer through the incarcerations that we know of, of the dissidents that are there in places like Cuba and Venezuela.

I am amazed that one could be impressed with what Cuba has built. I don't know that anybody is particularly impressed with what Venezuela has. They do have oil. They are blessed with natural resources. They have got the wrong forum and the wrong system of government, Mr. Speaker.

What gives people an opportunity, that gives them prosperity, that let's them plan not only for their future and put in capital investment, build a home, get it paid for, put some money in the bank, have an investment for a 401(k) so that you can live comfortably in your retirement, those things come from capitalism, from free enterprise—a free enterprise economy. They don't come from a Marxist state that has a central command that controls it all.

I am very troubled that the inspiration that the United States is isn't being utilized to the extent that it needs to be. So as I look at the void in our foreign policy and I look at a President who has made it his foreign policy to lead from behind, and then I look around the world and I see where is the leadership vacuum—and power abhors a vacuum, so it rushes into that vacuum. Right now, there is a bit of a power vacuum in Venezuela.

But I don't know that we have any kind of a plan or a strategy to even voice that strong support for the freedom-loving people that live in places like Venezuela and Cuba. Let our light shine, send the message to them, get this operation going so that one day we can see the Western Hemisphere not only just be the foundation of Western civilization in the modern world, but it can grow and prosper, and we can live in peace and harmony by free enterprise and free trade and open access to everybody's market on an equal basis, not on a preferential basis.

When we passed the free trade agreement, the CAFTA-DR Free Trade Agreement, which is many of the Central American countries and the Dominican Republic, that opened up markets for us. We had already given them access to our markets. It opened up our markets.

We need to go down there now and say thank you and meet people and build the kind of relationships necessary. An American presence—and I mean a United States of America presence in Central and South America—should be grown and should be expanded, and it should be part of our strategy to strengthen our leaderships in this hemisphere.

If we do a far better job than we have done in the past, then we also have the moral authority to strengthen our relationships outside of this hemisphere in the Eastern as well as the Western Hemisphere.

Mr. Speaker, I am very troubled also by that strategy of leading from behind in country after country. I am troubled that President Obama, as he came into office, and he was elected in early November of 2008, and on the 17th of November of 2008, then-Ambassador to Iraq, Ryan Crocker, who is a stellar public servant and an impressive individual as far as an Ambassador is concerned, and someone who, if you listen to him talk, you know that he has got a deep knowledge base on that part of the world. But Ambassador Ryan Crocker signed the agreement, the status of forces agreement, in Iraq. In it, it just simply cleared out all U.S. influence and all U.S. troop presence in Iraq, with the exception of a few marines inside the Green Zone at the new U.S. Embassy.

I looked at the bases that we had established there, the airstrips that we had established there, the billions of dollars invested in military and logistical infrastructure. Essentially, our pledge was to sack up our bats and go home.

I was troubled when I read that agreement. It was already signed on November 17 when I read it. I contacted the White House and said, You are pulling everything out of Iraq, with the exception of a few marines in the Green Zone near the U.S. Embassy, giving away air bases.

And the answer was, We wanted to clear the field so that the incoming President will have free rein, and we hope and expect that he will renegotiate a U.S. presence on these bases in Iraq.

Now, I don't know the depth of the agreement that took us to that point on November 17, 2008; I just know what that agreement said. Of course, Obama was already elected President. Later on, he was inaugurated January 20, the following year, 2009. He continued with this strategy of the pullout in Iraq.

The negotiations that I think should have and had a real opportunity to be successful failed, so that agreement of November 17, 2008, essentially stood, and all of our military and our munitions, the foundation for security that we had established in the entire country of Iraq, gone, gone down to just an embassy security personnel presence was it. All the blood, all the treasure handed over to the Iraqis who were led by a Shi'a and Maliki.

We were advised by some of our top foreign policy people that we shouldn't worry because Iran won't be exerting its influence in Iraq. There is a natural tension there. We should remember that they fought a war back in the eighties, and so they are not going to team up in a way; they are not going to line up against American interests; they are not going to be a thorn in our side or troublesome.

Look what happened in Iraq instead. Yes, a strong influence on the part of the Iranians, the Iranians pushing military supplies through Iraq, reported in the news just a couple of days ago, and also, the al Qaeda flag flying in places like Fallujah and Ramadi, places I have been to, places that were all shot to pieces, places where their mayors and their local leadership said, We are going to rebuild this city, and we are going to live in peace and prosperity.

We all know, Mr. Speaker, you can't live in peace and prosperity if you are living underneath that black al Qaeda flag. That is a result of leading from behind. That is a result of stepping out of Iraq and handing that country over. That is a result of not focusing on the negotiations necessary to establish a status of forces agreement in Iraq that could have provided the security and the stability and the training necessary for the Iraqis to protect themselves from the outside influence that now has a powerful influence in those places that were paid for, some of them more than once, and that includes Fallujah, in American blood, Mr. Speaker. That is Iraq.

Afghanistan, the President found himself pushed into a situation where he had to order a surge, even though he rejected the surge that was ordered by President Bush in Iraq—and it was, by all objective accounts, a successful surge in Iraq. President Obama, Mr. Speaker, ordered the surge of a minimum number of troops in Afghanistan.

I recall General McChrystal laying out those numbers. I don't have them exactly committed to memory, but something to the extent of 75,000 troops will get the job done. With 50,000

troops, it will take a while. There will be a greater risk, and maybe we can get the job done. We kind of think so. And if you get down to 35,000 troops, you hope that you can get the job done.

The President opted for the lesser option and went in, in a minimalist attitude, and leaked out there and in a slow way reinforced our troops in Afghanistan. As soon as he ordered the surge, at the same time, he announced when the United States would pull out.

I don't know how any military strategist would announce when they were going to pull out. That says directly to the enemy, You have to hold on past this date; you will no longer have anybody to fight when they are gone.

I think, Mr. Speaker, that leading from behind has created a vacuum in Iraq that is being filled by al Qaeda and by the Iranians and the conflicting Iraqis again, and leading from behind in Afghanistan, that is creating a vacuum that is being filled by the Taliban.

When we look at where this is going, I am asking, what is our objective there any longer? What are we trying to preserve? I haven't heard this President tell us his goal or his objective.

But I do know this: in listening to the chairman of the Armed Services Committee in the news press conference just yesterday, how it boiled down, is what I heard from the esteemed chairman, Mr. MCKEON, and that is this: If you are going to order our troops into battle, Mr. President, Commander in Chief, then you owe them, you owe them your support for them, but also for their mission. You can't say you support the troops without also supporting their mission.

That needs to be, in a full-throated way, articulated by our Commander in Chief. If you support the troops, you can't do so, unless you also support their mission. If you are the Commander in Chief, you have to articulate that mission and let them know that the sacrifice is worth it and why the sacrifice is worth it. If you don't think so, you have to give a different order.

□ 2030

Those are those parts of the world.

Now I take us to Egypt, and these are the foreign policy discussions, Mr. Speaker, the ones that we don't have very often in this Congress. We can go a whole year and not have a debate on foreign policy. Throughout the Middle East—Egypt and Libya and Lebanon and Israel—these are countries that I visited with a small delegation of Members right before Christmas, so it is fairly fresh. Egypt was a very interesting stop. The things that I learned there and the view that I have on Egypt don't match up with our State Department's view, which, I think, is mirrored in an effort to reflect the President's view. Mr. Speaker, in September, which is when we went in and met with the interim President, Mansour, and also with General el-Sisi, the commander of the military, it was only just June 30 through the 3rd of July that the Egyptians had come to the streets.

I think I have to back up on the history a little bit more in that, yes, Mubarak was a heavyhanded dictator. He was there for a lot of years as a heavyhanded dictator. Yet he was someone we had done business with. If you look back through the history of our relationship with Egypt, it warmed up considerably when Dwight Eisenhower told the British the Suez Canal is not yours. You need to move out of there, and the Egyptians will control the Suez Canal. In '54, that built a bond between the United States and Egypt. It was the right call on the part of Dwight Eisenhower. The British did pull back from their operations going on in the Suez, and it brought about a greater degree of stability in that part of the world.

Then take us to 1979—'79 is the year, as I recall, that we began doing joint operations with some Egyptian troops and other interests—but with American troops—and some of them were National Guard personnel from my neighborhood. It was joint operations in the Sinai. We have conducted those operations since 1979, up until this year, so we have a strong relationship with Egypt. Since 1979, their military equipment has been, by and large—and I don't know that I can say it has been exclusively the U.S., but it has been vastly, predominantly the U.S. The Russian influence in Egypt has been minimal, so that is how I want to keep it. If we are going to have peace in the Middle East, Mr. Speaker, Egypt is an anchor that is necessary for peace in the Middle East.

When our President went to Cairo and gave his speech in Cairo on June 9 of 2009, he seated the Muslim Brotherhood in the front row. Now, that is something that would have been missed by me at the time because I don't recognize the faces of the Muslim Brotherhood, but Egyptians do. They knew that the Muslim Brotherhood, which was formed in Egypt, was pushing to do a takeover of Mubarak, and they didn't understand why the message that was sent by President Obama was at least implied or implicit support for the voices of those folks sitting in the front row. Shortly after that speech—sometime after that speech—our then-Secretary of State Hillary Clinton made the statement that Mubarak needs to be gone yesterday. The Egyptian people didn't understand why it appeared to them that the new administration at the time was supporting the Muslim Brotherhood and opposing Mubarak and implying that the leader of the Muslim Brotherhood should come to power, which is what happened.

As they demonstrated in the streets, the unrest brought it about that Mubarak was pushed out, and into power and into elected office was the leader of the Muslim Brotherhood. This was incompetence in the government. Plus, each move that was made was assuring the Egyptians they would never see another election again, that their individual and their human rights that they had were going to be diminished as Morsi strengthened his power grip on the control of Egypt. There were 83 million Egyptians, of which only 5.6 million voted for Morsi as President. He did an incompetent job in Egypt. As the economy went into shambles and they saw their freedom go, they thought, What could be worse? We were better off under Mubarak. It wasn't so great, but we were better off under Mubarak.

On June 30 of last summer, the Egyptian people emerged into the streets. Of the 80 to 83 million Egyptians, 30 to 33 million went to the streets to protest peacefully to remove Morsi and put in a government of the people of Egypt.

What happened from that, after that June 30 to July 1, 2 and 3, is that they pleaded with the military to step in and take over. At that point, General el-Sisi and others stepped in to take over the Government of Egypt, and they provided that stability. Yes, it was bloody in the streets of Cairo and in other places in Egypt, but throughout that, you saw radical Islamists who were going in, raiding Christian weddings and slaughtering the wedding parties and others there at churches. While we were there in September, they burned down 70. Then I learned it was as many as 100 Christian churches in Egypt.

How is it that the Christians were caught in a conflict in a mostly Sunni country and were being attacked in that fashion?

The reason was the Muslim Brotherhood wanted the Christians to enter into it to create more of a civil war and more chaos because they believed that they could take power in the chaos. Instead, the Christians said—and there are less than 9 percent who are Christians and over 90 percent Sunni Muslims in Egypt—we are going to pray for these people who are destroying our churches and killing us. We are going to forgive them, and we are going to pray for peace. That was a component that brought about the demonstrations in the streets last summer that I mentioned from June 30 until at least July 3.

Out of that came the stability from the turmoil, however bloody, with interim President Mansour and with General el-Sisi in command of the military, who told us in September of last year, as did President Mansour, We are writing a constitution, and we are going to offer it to the people when we get it polished up and ask them to go to the polls and ratify the constitution in Egypt. That was September when they made that promise.

When I returned in December, shortly before Christmas, I sat down with the chairman of the constitution committee, and I remarked as they had written the constitution, which had been published a couple of weeks before we got there, You promised us that you were going to produce a constitution

and have it delivered to the people of Egypt in November, and I noticed that it didn't show up until December.

He looked at me, and he said, We were only 72 hours late, 72 hours into December. I think that is pretty good for government, don't you?

I smiled and laughed, and said, If you were in my country and asked me a similar question, I would hope that I would be astute enough to give a similar answer that you gave to me.

Seventy-two hours into December they produced a constitution. They put it on the ballot after we left, which was January 14 and 15. It passed overwhelmingly by a vote of the people of Egypt. It sets up elections in Egypt in a couple of months and then elections for a new President down the line, less than 3 months after that. We are seeing the pieces being put in place.

Even though the news media reports every outburst of unrest that is there, I see stability being anchored in Egypt, but it is not being anchored by the leadership of our administration, and it is not being anchored by the leadership out of our State Department. It is being anchored by the voice of the people of Egypt and by the good judgment of those whom they have empowered and, I think, whom they will continue to empower in the upcoming elections.

We are told we don't have to worry about the Russians doing business in Egypt because they don't give anything away, because they don't give any military equipment away. They have to sell everything. If the Egyptians don't have any money, it would seem that there wouldn't be a calculation done for the loans that were offered out of the Saudis and out of the United Arab Emirates, but now we have the Russians, who have negotiated a military equipment deal with the Egyptians for the first time that I know of since 1979 or, I will say, pre-1979. We didn't need the Russians in Egypt. They filled a vacuum—a vacuum due to a lack of leadership, a vacuum created by the implication that the President and our administration is supporting the Muslim Brotherhood.

The Egyptian people ask us: Why do the Americans support the Muslim Brotherhood? We are trying to get them out of here. My answer to them in a press conference in Cairo twice was this: the American people do not support the Muslim Brotherhood. In fact, the American people oppose the Muslim Brotherhood.

I believe this administration is on the wrong side of the issue in Egypt, and I think they will have to turn that giant ship of state around slowly because the administration will have to save face. I can't expect that the President is going to go out into the Rose Garden and step behind the podium with the Great Seal of the United States of America and say, ''I came to confess that I was wrong in Egypt.'' No, there will have to be some smoke and some mirrors. If things go as well as they can over a period of time, we can ratchet our policy around to get behind the voice of the people in Egypt and strengthen our relationships there—the economic relationships, the trade partnership relationship and the military relationships—so at least they have the equipment that we had promised them so they can fight off al Qaeda in the Sinai.

So we say al Qaeda is growing in the Sinai, and we say to the Egyptians, You are going to have to go short of some of the equipment you expected from us because we don't like the idea that there was a duly elected Muslim Brotherhood president that was so bad that 30 to 33 million Egyptians poured into the streets.

Can you imagine, Mr. Speaker, if that percentage of the population—say, roughly, 40 percent of the population—of the United States were all in the streets on the same day? Can you imagine what that would be like? If 125 million Americans came to the streets and stayed there from June 20 until July 3, do you think it would bring about a change in the policy and in the government of the United States with that kind of unrest? That is the magnitude. I have only seen this magnitude a few times.

I can think of a time when we had the magnitude of that kind of response in the nation of Georgia, when the Russians went in and invaded South Ossetia and the other client state. They went in and invaded and occupied. It was shortly afterwards—a week or so after that—that they had hands across Georgia, where they said a million of the, roughly, 4 million Georgians were in the streets. I saw thousands of them with their flags wrapped around their shoulders and their babies wrapped up in their flags, standing together in unity. When people come out of their homes to the tune of 25 or 40 percent of their population, you know something is wrong, Mr. Speaker.

That didn't get the attention of this administration enough for them to start to ratchet our policy around and get behind the voice of the people. Still they insist that there was a duly elected Morsi, and despite whatever happened after that, we are going to stick with the guy because the people of the Muslim Brotherhood were sitting in the front row, and our President gave a speech in Cairo. It sent a message, and it was a factor in the change in power in Egypt. It was helpful to bring Morsi to power. When Morsi came to power, the Muslim Brotherhood was in power. They did consolidate their power, and they did begin to shut down the rights of the people of Egypt, and the Egyptians rose up.

□ 2045

It is because of a vacuum, and it was because of leading from behind, and it is from having sympathy for people who carry within them the values that are contrary to that of the United States. That is the Muslim Brotherhood. That is just Egypt.

Now, if I go on and I look at the things that have happened in the more than 2½ years of the Arab Spring, and in each of those things, when the Arab Spring erupted within country after country, across North Africa and across and around the Mediterranean, each change that was brought about went against the interests of the United States.

But somehow, the myopic belief that I think was in the mind of Jimmy Carter when he saw the Ayatollah Khomeini return to Iran from London, if I remember where he was based back in 1979, another watershed year, because there was a religious leader we ought to be supportive of him instead of the Shah of Iran.

Look what that got us, the beginning of the radical Islamic uprising, and we have been fighting that ever since, but not with the knowledge, the full knowledge base of what is going on.

In Libya, you have got a civil war that really hasn't ended, it just is suspended, and you have terrorists and radical Islamists that are controlling Benghazi.

You hear people that go to Libya, and you get the idea that somehow they went to Benghazi and walked around the ashes and the ruins where Ambassador Chris Stevens and our three other heroic Americans died. But they are not going there. They can't go there. We don't have the security personnel to go there. Neither do the government officials from Tripoli.

The country is divided at this point, and the terrorists are in control of most of Benghazi, and they go into Tripoli once in a while, and they have surrounded the Parliament and other government buildings and exerted their control there, Mr. Speaker.

There is still a void and a vacuum. We didn't get it resolved in Libya, in spite of all of the treasure and some of the blood that was spilled, thankfully, not American blood.

In Lebanon, it is an even bigger mess with a less decisive future, and you have Hezbollah controlling a significant component of that country and standing out on the streets in their uniforms under their yellow flags with their weapons, defiant. They are a terrorist organization, and they are occupying parts of Lebanon, parts of the Beirut.

The results in Israel: constantly, the pressure is on Netanyahu and the Israelis. Don't you have a little more land that you can sacrifice in the belief that somehow you can trade land for peace?

There is no model in history that I can find that you can successfully trade land for peace, but still, our administration pushes, negotiate to give up something. A two-state solution. Let's move the Jews out of the West Bank because, after all, doesn't everybody know that they have no business living in a place like Judea, where they have lived since antiquity?

It is their ancestral homeland. What justice is there in pushing people out?

If 20 percent of the population of Israel proper is Arab, and they can live in peace and harmony there—remember, the fence is to keep people out, but the 20 percent of Arabs that are inside are peaceful. They are happy enough to live there. They vote. They serve in the Knesset. They serve in the Supreme Court. They have a voice that many will say is equal to that of Jews that live there. There is some question about it.

But if they can live in relative harmony in Israel proper, why is it that the Jews don't have a right to live in places like Gaza or the West Bank?

Then the problem is Netanyahu; the problem is the Israelis.

I don't think so, Mr. Speaker. I think we need to be in full-throated support with every kind of commitment necessary to bring about the kind of solutions that promote God-given liberty and things that we know here as American ideals.

We need to elect the next President, a very astute foreign policy president who believes in free enterprise, who believes in the pillars of American exceptionalism, and believes in exporting them to the rest of the world, because we are far better off with an American policy and a promotion of our beliefs and our ideals in other places in the world, where they want to embrace our way of living, than we are pulling back and allowing that vacuum to be filled by the power-hungry despots of people like a Castro, a Chavez, a Maduro, a Putin.

That is the mission for America. It is one of the missions for America. When the Presidential candidates come to Iowa, Mr. Speaker, I want to ask them, speak on foreign policy, become a student of foreign policy. Go travel, draw your own conclusions.

But, in the end, we are a world player. We have been a world player for a long time. We need to stay a world player.

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

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, FEBRUARY 14, 2014

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER 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.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2014.

Hon. JOHN BOEHNER,
Speaker of the House,
Washington, DC.

SPEAKER BOEHNER: Nearly twenty-four years ago, the people of New Jersey's First Congressional District afforded me the opportunity, responsibility and honor of serving as their Representative in the United States House of Representatives. I am profoundly thankful and forever humbled by the trust they have placed in me.

I am writing to inform you that, effective February 18, 2014, I will be resigning as a Member of the United States Congress.

The House has always been a place of high energy and healthy division, and it remains so today. But we have always shared the common belief that it is the spirit of the American people and Constitution we live by that makes our country great.

I am proud to have served with members of both parties, Democratic and Republican, liberal and conservative in what has been one of the greatest honors of my lifetime.

Sincerely,

ROBERT E. ANDREWS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2014.

Lt. Governor KIM GUADAGNO,
New Jersey Department of State, 225 W. State Street, P.O. Box 300, Trenton, NJ.

DEAR LT. GOVERNOR GUADAGNO: I hereby resign as a Member of the United States Congress, effective February 18, 2014.

Nearly twenty-four years ago, the people of New Jersey's First Congressional District afforded me the opportunity, responsibility and honor of serving as their Representative in the United States House of Representatives. I am profoundly thankful and forever humbled by the trust they have placed in me.

Sincerely,

ROBERT E. ANDREWS.

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, February 12, 2014.

Hon. JOHN BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4(d) of House Resolution 5, One Hundred Thirteenth Congress, and section 1(k)(2) of House Resolution 895, One Hundred Tenth Congress, I transmit to you notification that Bryson Morgan has signed an agreement not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for the purpose of the Federal Election Campaign Act of 1971 until at least three years after he is no longer a member of the board or staff of the Office of Congressional Ethics.

A copy of the signed agreement shall be retained by the Office of the Clerk as part of the records of the House.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NUGENT (at the request of Mr. CANTOR) for today on account of plane troubles.

Mr. PASTOR of Arizona (at the request of Ms. PELOSI) for today and the balance of the week on account of family health issues.

Mr. RUSH (at the request of Ms. PELOSI) for today and the balance of the week on account of attending to family acute medical care and hospitalization.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 26, 2014, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2013 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2013

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Steve King	12/14	12/16	Egypt		531.62						531.62
	12/16	12/17	Lebanon		210.00						210.00
	12/17	12/17	Libya								

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2013—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/18	12/19	Israel		843.28						843.28
	12/19	12/20	Austria		417.00						417.00
	12/20	12/21	Norway		655.25						655.25
	12/13	12/21	ALL				12,825.27				12,825.27
Total											15,482.42
Hon. Louie Gohmert	12/14	12/16	Egypt		531.62						531.62
	12/16	12/17	Lebanon		210.00						210.00
	12/17	12/17	Libya								
	12/18	12/19	Israel		843.28						843.28
	12/19	12/20	Austria		417.00						417.00
	12/13	12/20	ALL				19,608.17				19,608.17
Total											21,610.07
Samuel Ramer	12/14	12/16	Egypt		184.00						184.00
	12/16	12/17	Lebanon		75.00						75.00
	12/17	12/17	Libya								
	12/18	12/19	Israel		128.00						128.00
	12/19	12/20	Austria		417.00						417.00
	12/20	12/21	Norway		181.00						181.00
			ALL				7,898.80				7,898.80
Total											8,883.80
Committee total					5,644.05		40,332.24				45,976.29

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
*Per diem reimbursement.

HON. BOB GOODLATTE, Chairman, Jan. 30, 2014.

EXECUTIVE COMMUNICATIONS, ETC.

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

4797. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Live Birds and Poultry, Poultry Meat, and Poultry Products From a Region in the European Union; Technical Amendment [Docket No. APHIS-2009-0094] (RIN: 0579-AD45) received February 10, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4798. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General William M. Fraser III, United States Air Force, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

4799. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Robert W. Cone, United States Army, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

4800. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter authorizing Colonel Terry V. Williams, United States Marine Corps, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

4801. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle program report for FY 2013; to the Committee on Energy and Commerce.

4802. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), the functions of which have been delegated to the Department of State; to the Committee on Foreign Affairs.

4803. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 13-179, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4804. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2013; to the Committee on Oversight and Government Reform.

4805. A letter from the Chief Operating Officer and Acting Executive Director, Election Assistance Commission, transmitting Fiscal Year 2013 Activities Report; to the Committee on Oversight and Government Reform.

4806. A letter from the Chairman, Federal Election Commission, transmitting eight legislative recommendations from the Commission; to the Committee on Oversight and Government Reform.

4807. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment and Modification of Area Navigation (RNAV) Routes; Atlanta, GA [Docket No.: FAA-2013-0860; Airspace Docket No. 12-ASO-36] (RIN: 2120-AA66) received February 6, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4808. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30937; Admt. No. 3572] received February 6, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4809. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30936; Amdt. No. 3571] received February 6, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4810. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30940; Amdt. No. 511] received February 6, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4811. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''27th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2010''; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. ISSA: Committee on Oversight and Government Reform. Supplemental report on H.R. 2804. A bill to amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes (Rept. 113–354 Pt. 2).

Mr. GOODLATTE: Committee on the Judiciary. H.R. 1123. A bill to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes, with an amendment (Rept. 113–356). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOODLATTE: Committee on the Judiciary. H.R. 1944. A bill to protect private property rights (Rept. 113–357). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3308. A bill to require a Federal agency to include language in certain educational and advertising materials indicating that such materials are produced and disseminated at taxpayer expense, with an amendment (Rept. 113–358). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 1232. A bill to amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management (Rept. 113–359). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 3979. A bill to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act, with an amendment (Rept. 113–360). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODALL: Committee on Rules. House Resolution 487. Resolution providing for consideration of the bill (H.R. 3865) to prohibit the Internal Revenue Service from modifying the standard for determining whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986; providing for consideration of the bill (H.R. 2804) to amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes; and providing for consideration of motions to suspend the rules (Rept. 113–361).

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 Mr. BARBER:

H.R. 4075. A bill to provide funding to the National Institute of Mental Health to support suicide prevention and brain research, including funding for the Brain Research Through Advancing Innovative Neurotechnologies (BRAIN) Initiative; to the Committee on Energy and Commerce.

By Mr. SHUSTER (for himself, Mr. RYAN of Ohio, Mr. PETRI, Mr. WALZ, Mr. RIBBLE, Mr. KIND, Mr. LATTA, Mrs. WALORSKI, Mr. DENT, and Mr. DUFFY):

H.R. 4076. A bill to address shortages and interruptions in the availability of propane and other home heating fuels in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself and Mr. BENISHEK):

H.R. 4077. A bill to ensure and foster continued patient safety and quality of care by clarifying the application of the antitrust laws to negotiations between groups of health care professionals and health plans and health care insurance issuers; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas:

H.R. 4078. A bill to amend the Internal Revenue Code of 1986 to require that ITIN applicants submit their application in person at taxpayer assistance centers, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLINS OF GEORGIA (for himself and Mrs. BLACKBURN):

H.R. 4079. A bill to amend title 17, United States Code, to ensure fairness in the establishment of certain rates and fees under sections 114 and 115 of such title, and for other purposes; to the Committee on the Judiciary.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 4080. A bill to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COLLINS of New York (for himself, Mr. REED, and Mr. GIBSON):

H.R. 4081. A bill to prohibit funds made available to the Department of Education or the Department of Justice from being used to provide postsecondary courses in prisons; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of Tennessee:

H.R. 4082. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit and to provide such credit for hiring long-term unemployed individuals; to the Committee on Ways and Means.

By Mr. GIBSON:

H.R. 4083. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax regarding the taxation of distilled spirits; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Ms. DELAURO, Mr. CARTWRIGHT, Ms. JACKSON LEE, Mr. MCGOVERN, Mr. MORAN, Mr. RANGEL, Ms. WILSON of Florida, Mr. SERRANO, and Mr. CONNOLLY):

H.R. 4084. A bill to amend the Domestic Volunteer Service Act of 1973 to establish a Community Gardens Pilot Program, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HIMES (for himself, Ms. DELAURO, and Ms. ESTY):

H.R. 4085. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters and other multi-State workers; to the Committee on the Judiciary.

By Mr. KILDEE (for himself and Ms. DELAURO):

H.R. 4086. A bill to amend the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Education and the Workforce.

By Mr. KILDEE:

H.R. 4087. A bill to amend the Workforce Investment Act of 1998 to provide grants to States for summer employment programs for youth; to the Committee on Education and the Workforce.

By Mr. KILDEE:

H.R. 4088. A bill to provide funding for Violent Crime Reduction Partnerships in the most violent communities in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. MCKINLEY, and Mr. JONES):

H.R. 4089. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. AUSTIN SCOTT of Georgia (for himself, Mr. SCHRADER, Mr. LUCAS, and Mr. PETERSON):

H. Con. Res. 86. Concurrent resolution celebrating the 100th anniversary of the enactment of the Smith-Lever Act, which established the nationwide Cooperative Extension System; to the Committee on Agriculture.

By Mr. BENISHEK:

H. Con. Res. 87. Concurrent resolution recognizing the occasion of the 200th Anniversary of the Star Spangled Banner and its importance to the people of the United States; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself, Mr. MORAN, Mr. VAN HOLLEN, Mr. DELANEY, Ms. EDWARDS, Mr. WOLF, Mr. CONNOLLY, and Ms. NORTON):

H. Con. Res. 88. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. SALMON, Mr. DIAZ-BALART, Ms. WASSERMAN SCHULTZ, Mr. SIRES, Mr. GARCIA, Mr. DESANTIS, Mr. GRAYSON, Mr. MCCAUL, Mr. DEUTCH, Ms. WILSON of Florida, Mr. MURPHY of Florida, Mr. YOHO, Mr. STOCKMAN, Mr. DUNCAN of South Carolina, and Mr. KINZINGER of Illinois):

H. Res. 488. A resolution supporting the people of Venezuela as they protest peacefully for democratic change and calling to end the violence; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey (for himself, Ms. WATERS, Mr. BURGESS, Mr. FATTAH, and Mr. MEADOWS):

H. Res. 489. A resolution expressing the sense of Congress regarding the need to facilitate and promote a robust response to the looming global crisis of Alzheimer's and other forms of dementia; to the Committee on Foreign Affairs, 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. SCHNEIDER:

H. Res. 490. A resolution providing for the consideration of the bill (H.R. 3546) to provide for the extension of certain unemployment benefits, and for other purposes; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

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

By Mr. BARBER:

H.R. 4075.

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

Article I, Section 9, Clause 7

Article I, Section 8, Clause 18

By Mr. SHUSTER:

H.R. 4076.

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

Article I, Section 8 of the United States Constitution, specifically Clause 1 (related to general Welfare of the United States), and Clause 3 (related to regulation of Commerce with foreign Nations, and among the several States, and with Indian tribes).

By Mr. CONYERS:

H.R. 4077.

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

Article I, Section 8, Clause 3.

By Mr. SAM JOHNSON of Texas:

H.R. 4078.

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

Article I, Section 8, Clause 1

By Mr. COLLINS of Georgia:

H.R. 4079.

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

Clause 8 of Section 8 of Article I of the U.S. Constitution.

By Mr. BURGESS:
H.R. 4080.
Congress has the power to enact this legislation pursuant to the following:
Article One, Section Eight, Clause One
''The Congress shall have the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.''
Article One, Section Eight, Clause Three
''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. COLLINS of New York:
H.R. 4081.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 6, Clauses 1 and 18 of the Constitution of the United States.

By Mr. DUNCAN of Tennessee:
H.R. 4082.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8.

By Mr. GIBSON:
H.R. 4083.
Congress has the power to enact this legislation pursuant to the following:
Section 8 of Article 1 of the Constitution—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.

By Mr. HASTINGS of Florida:
H.R. 4084.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8: 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;

By Mr. HIMES:
H.R. 4085.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: ''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. KILDEE:
H.R. 4086.
Congress has the power to enact this legislation pursuant to the following:
U.S. Constitution, Article I, Section 8

By Mr. KILDEE:
H.R. 4087.
Congress has the power to enact this legislation pursuant to the following:
U.S. Constitution, Article I, Section 8

By Mr. KILDEE:
H.R. 4088.
Congress has the power to enact this legislation pursuant to the following:
U.S. Constitution, Article I, Section 8

By Mr. ROHRABACHER:
H.R. 4089.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution. The authority to enact this legislation is also derived from Amendment XVI 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. 15: Mr. RICHMOND.
H.R. 20: Mr. RUPPERSBERGER, Ms. DEGETTE, Mr. MCNERNEY, Mr. OWENS, and Mr. HECK of Washington.
H.R. 25: Mr. STEWART.
H.R. 60: Mr. MORAN, Ms. KUSTER, Mrs. KIRKPATRICK, Mr. FATTAH, Mr. CARSON of Indiana, Mr. VARGAS, Ms. MOORE, and Mr. CARTWRIGHT.
H.R. 137: Ms. CLARK of Massachusetts.
H.R. 138: Ms. CLARK of Massachusetts.
H.R. 139: Mr. CLAY and Mr. SIRES.
H.R. 140: Mr. DESJARLAIS.
H.R. 148: Mr. HECK of Washington.
H.R. 335: Mr. SCHNEIDER.
H.R. 400: Mr. CONNOLLY.
H.R. 411: Mr. THOMPSON of California.
H.R. 421: Mr. HANNA.
H.R. 425: Mr. PERRY.
H.R. 437: Ms. CLARK of Massachusetts.
H.R. 460: Mrs. BEATTY.
H.R. 482: Mr. RUIZ.
H.R. 543: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. BUTTERFIELD.
H.R. 565: Ms. JACKSON LEE.
H.R. 594: Mr. MEEHAN.
H.R. 647: Mr. SEAN PATRICK MALONEY of New York, Ms. VELÁZQUEZ, and Mr. VALADAO.
H.R. 669: Mr. CICILLINE.
H.R. 688: Mr. REED.
H.R. 713: Mr. MCKINLEY.
H.R. 715: Mr. BRADY of Pennsylvania, Ms. CHU, Mr. CARSON of Indiana, Ms. KUSTER, Mrs. CAROLYN B. MALONEY of New York, Mr. CICILLINE, Mr. CLEAVER, Mr. HINOJOSA, and Mr. MCDERMOTT.
H.R. 737: Mr. GARCIA.
H.R. 792: Mr. GRIFFIN of Arkansas, Mr. PETRI, and Mrs. LUMMIS.
H.R. 795: Mr. FORBES.
H.R. 798: Mr. HECK of Washington and Mr. LOWENTHAL.
H.R. 831: Mr. MCNERNEY, Mr. DAINES, Mr. PRICE of North Carolina, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. EDWARDS, and Mrs. MCCARTHY of New York.
H.R. 846: Mr. FRELINGHUYSEN and Mr. COTTON.
H.R. 920: Mr. BEN RAY LUJÁN of New Mexico and Mr. KIND.
H.R. 946: Mr. STUTZMAN.
H.R. 951: Ms. LEE of California.
H.R. 975: Mr. KING of New York.
H.R. 1010: Mr. RICHMOND, Mr. CONNOLLY, Ms. TITUS, and Mr. SCHNEIDER.
H.R. 1014: Mr. BISHOP of Utah.
H.R. 1074: Mrs. BEATTY, Ms. BROWNLEY of California, Mr. BEN RAY LUJÁN of New Mexico, Mr. LATTA, Mr. SAM JOHNSON of Texas, Mr. FRELINGHUYSEN, and Mr. NUGENT.
H.R. 1084: Mr. CICILLINE, Ms. FUDGE, Ms. JACKSON LEE, Mr. RANGEL, Mr. VARGAS, and Mr. VISCLOSKY.
H.R. 1091: Mr. SESSIONS.
H.R. 1148: Mr. MCALLISTER.
H.R. 1240: Ms. SINEMA and Mrs. BUSTOS.
H.R. 1249: Mr. WENSTRUP.
H.R. 1250: Ms. MOORE and Mr. JOHNSON of Georgia.
H.R. 1252: Ms. MCCOLLUM.
H.R. 1263: Mr. NEAL.
H.R. 1330: Ms. ESHOO.
H.R. 1354: Mrs. CHRISTENSEN and Mr. BUTTERFIELD.
H.R. 1386: Mr. LANKFORD and Mrs. BACHMANN.
H.R. 1427: Mr. NUNES.
H.R. 1500: Mrs. NAPOLITANO.
H.R. 1508: Mr. TONKO.
H.R. 1528: Ms. NORTON and Mr. VARGAS.
H.R. 1563: Mr. HINOJOSA.
H.R. 1565: Ms. CLARK of Massachusetts.
H.R. 1573: Ms. ESHOO.
H.R. 1599: Mr. BEN RAY LUJÁN of New Mexico, Mr. BARBER, and Mr. TONKO.
H.R. 1652: Mr. GRIMM.
H.R. 1692: Mr. NEAL, Mr. RANGEL, and Mr. MURPHY of Florida.
H.R. 1695: Mr. CÁRDENAS.
H.R. 1701: Mr. FITZPATRICK and Mr. DUNCAN of South Carolina.
H.R. 1726: Ms. CLARK of Massachusetts and Mr. BARBER.
H.R. 1732: Mr. DEFAZIO.
H.R. 1744: Ms. TITUS.
H.R. 1761: Mr. STIVERS, Mr. DOGGETT, and Mr. WALBERG.
H.R. 1779: Mr. PRICE of Georgia and Mr. ROE of Tennessee.
H.R. 1795: Mr. FITZPATRICK, Mr. LOBIONDO, Mr. GUTHRIE, and Ms. CLARK of Massachusetts.
H.R. 1796: Mr. BISHOP of New York.
H.R. 1801: Ms. MATSUI and Mrs. NEGRETE MCLEOD.
H.R. 1814: Mr. MULVANEY.
H.R. 1830: Mr. POSEY.
H.R. 1845: Mr. GRIJALVA.
H.R. 1852: Mr. MCCAUL, Mr. QUIGLEY, Mr. WILLIAMS, Mr. LATHAM, and Ms. EDWARDS.
H.R. 1857: Mr. OWENS.
H.R. 1940: Mr. LOWENTHAL.
H.R. 1944: Mr. SIMPSON.
H.R. 1953: Mr. MICHAUD.
H.R. 1962: Ms. ESTY.
H.R. 1984: Ms. SCHWARTZ.
H.R. 1998: Mr. BISHOP of New York and Ms. CLARK of Massachusetts.
H.R. 2012: Mr. FARR.
H.R. 2068: Mr. ROHRABACHER.
H.R. 2135: Mr. FRANKS of Arizona and Mr. GUTHRIE.
H.R. 2149: Mr. MCDERMOTT, Ms. JACKSON LEE, and Mr. VARGAS.
H.R. 2156: Mr. LUETKEMEYER.
H.R. 2172: Mr. GRIJALVA.
H.R. 2222: Mr. GRAVES of Missouri.
H.R. 2278: Mr. PERRY.
H.R. 2302: Mr. RANGEL.
H.R. 2394: Mrs. BACHMANN.
H.R. 2415: Mr. ROE of Tennessee and Mr. CARTWRIGHT.
H.R. 2417: Mr. DESANTIS.
H.R. 2468: Mrs. BROOKS of Indiana, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, and Ms. SHEA-PORTER.
H.R. 2482: Ms. SCHWARTZ.
H.R. 2530: Ms. JENKINS, Mr. MARCHANT, Mrs. BLACK, and Mr. REICHERT.
H.R. 2531: Mr. CARTER, Ms. JENKINS, Mr. MARCHANT, Mrs. BLACK, and Mr. REICHERT.
H.R. 2536: Mr. KENNEDY.
H.R. 2540: Mr. GRIJALVA, Mr. VARGAS, and Ms. JACKSON LEE.
H.R. 2548: Mrs. BUSTOS, Mr. LEWIS, Mr. SHERMAN, Mr. VARGAS, Mr. GUTHRIE, and Mr. DEUTCH.
H.R. 2553: Ms. CLARK of Massachusetts, Mr. SCOTT of Virginia, Mr. MCDERMOTT, Mr. CLEAVER, Mr. NOLAN, and Mr. VISCLOSKY.
H.R. 2577: Mr. FRANKS of Arizona.
H.R. 2638: Mr. SIRES.
H.R. 2663: Mr. TIBERI and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2689: Mr. SCHNEIDER.
H.R. 2702: Ms. SPEIER.
H.R. 2707: Mrs. NEGRETE MCLEOD.
H.R. 2780: Mr. GENE GREEN of Texas and Mr. GRIJALVA.
H.R. 2788: Mr. ELLISON, Ms. GABBARD, and Mr. MURPHY of Florida.
H.R. 2827: Mr. ELLISON and Mr. DEFAZIO.
H.R. 2841: Ms. SEWELL of Alabama, Ms. NORTON and Mr. NUNNELEE.
H.R. 2847: Ms. SLAUGHTER, Mr. ENYART, and Mrs. MCCARTHY of New York.
H.R. 2897: Mr. TONKO and Ms. CHU.
H.R. 2901: Mr. MCGOVERN.
H.R. 2920: Ms. LOFGREN.
H.R. 2939: Mr. RUNYAN.
H.R. 2955: Mr. HONDA.
H.R. 2975: Mr. TONKO.
H.R. 2989: Mr. CAPUANO.
H.R. 2994: Ms. SCHAKOWSKY, Ms. PINGREE of Maine, and Mr. COFFMAN.
H.R. 2996: Mr. JOYCE, Mr. COLE, Mr. VELA, Mr. KILDEE, Ms. TSONGAS, and Ms. SEWELL of Alabama.

H.R. 3040: Mr. BRALEY of Iowa.
H.R. 3043: Mr. COOK.
H.R. 3086: Mr. ENGEL, Mr. GRIFFITH of Virginia, Ms. SPEIER, Mr. SALMON, Mr. LOEBSACK, Mr. PRICE of North Carolina, Mr. CONNOLLY, Mr. BRADY of Texas, and Mr. MARCHANT.
H.R. 3116: Mr. CARSON of Indiana.
H.R. 3121: Mr. COBLE and Mr. SCHOCK.
H.R. 3136: Mr. BUCSHON.
H.R. 3150: Ms. JACKSON LEE.
H.R. 3155: Ms. FOXX.
H.R. 3179: Mr. BUCSHON.
H.R. 3186: Mr. PALLONE.
H.R. 3313: Mr. COOK, Mr. VARGAS, Mrs. NEGRETE MCLEOD, and Mr. COLE.
H.R. 3344: Ms. BROWN of Florida, Mr. CICILLINE, Ms. LEE of California, and Mr. MEADOWS.
H.R. 3361: Ms. CLARK of Massachusetts.
H.R. 3370: Mr. RUIZ, Mr. ROSS, and Mr. VALADAO.
H.R. 3382: Mr. RANGEL.
H.R. 3383: Ms. JACKSON LEE and Mr. DEFAZIO.
H.R. 3384: Mr. JONES, Mr. WALZ, Mr. LANKFORD, Mr. GRIJALVA, Mr. ENYART, and Mr. CALVERT.
H.R. 3413: Mr. JORDAN.
H.R. 3453: Ms. FUDGE.
H.R. 3461: Mr. DEUTCH, Ms. KUSTER, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. DOYLE, and Mr. HECK of Washington.
H.R. 3474: Mr. WESTMORELAND.
H.R. 3486: Mr. JORDAN.
H.R. 3489: Mr. VALADAO.
H.R. 3494: Mrs. CAPPS.
H.R. 3505: Mr. RYAN of Ohio and Mr. KENNEDY.
H.R. 3546: Mr. DOYLE.
H.R. 3591: Mr. BUTTERFIELD and Mr. DAVID SCOTT of Georgia.
H.R. 3593: Mr. TIPTON.
H.R. 3607: Mr. DUNCAN of South Carolina.
H.R. 3629: Mr. COTTON and Mr. JOHNSON of Ohio.
H.R. 3648: Mr. VARGAS.
H.R. 3656: Mr. CARTWRIGHT.
H.R. 3657: Mr. COLE and Mr. COFFMAN.
H.R. 3658: Mr. CARTER and Mr. COFFMAN.
H.R. 3673: Mr. DUNCAN of Tennessee, Mrs. BACHMANN, Mr. RUPPERSBERGER, and Ms. CLARKE of New York.
H.R. 3698: Mr. BOUSTANY, Ms. CLARK of Massachusetts, and Mr. KENNEDY.
H.R. 3708: Mr. TIBERI and Mr. GRIFFIN of Arkansas.
H.R. 3711: Mr. WELCH.
H.R. 3723: Mr. ROGERS of Michigan and Mr. OLSON.
H.R. 3732: Mr. BUCSHON and Mr. DUNCAN of South Carolina.
H.R. 3747: Mr. ISRAEL and Mr. HONDA.
H.R. 3804: Mr. MCNERNEY.
H.R. 3824: Mr. MCNERNEY.
H.R. 3833: Mr. RANGEL.
H.R. 3855: Mr. LYNCH.
H.R. 3864: Mr. LATTA.
H.R. 3877: Mr. COBLE.
H.R. 3899: Ms. DELBENE and Mr. REICHERT.
H.R. 3905: Ms. NORTON.
H.R. 3912: Mr. KILMER and Mr. CÁRDENAS.
H.R. 3921: Mr. CÁRDENAS, Ms. MOORE, and Mr. HECK of Washington.
H.R. 3930: Mr. NOLAN, Mr. HUDSON, Ms. SCHWARTZ, Mr. GOHMERT, Mr. LOWENTHAL, Mr. DUNCAN of South Carolina, Mr. SCHOCK, and Mr. ROKITA.
H.R. 3954: Ms. KAPTUR.
H.R. 3991: Mrs. MCMORRIS RODGERS, Ms. SHEA-PORTER, Mr. WHITFIELD, Mr. POMPEO, Mr. KING of Iowa, Mr. POCAN, Mr. GOSAR, Mr. STUTZMAN, Mr. FORTENBERRY, and Mr. COTTON.
H.R. 3996: Mr. RUNYAN.
H.R. 4001: Mr. ROGERS of Michigan.
H.R. 4006: Mr. POE of Texas.
H.R. 4012: Mr. WESTMORELAND and Mr. LAMBORN.
H.R. 4016: Ms. JACKSON LEE and Mr. LANGEVIN.
H.R. 4026: Ms. BASS, Mr. ENYART, and Ms. ESHOO.
H.R. 4031: Mr. GOODLATTE, Mr. HUNTER, and Mrs. ELLMERS.
H.R. 4040: Mr. ENYART and Mr. HONDA.
H.R. 4041: Mr. SCOTT of Virginia, Mr. ENYART, Mr. HORSFORD, Mr. CICILLINE, Mr. MCNERNEY, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. DAVID SCOTT of Georgia, Mr. SIRES, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. WAXMAN, Ms. DEGETTE, and Mr. SMITH of Washington.
H.R. 4051: Mr. ENYART, Mrs. BUSTOS, Mr. WALZ, and Mr. PETERSON.
H.R. 4064: Mr. TERRY, Mrs. BLACKBURN, Mr. ROE of Tennessee, and Mr. BOUSTANY.
H.R. 4071: Mr. GIBSON.
H.J. Res. 108: Mr. BYRNE.
H. Con. Res. 28: Ms. LOFGREN.
H. Res. 54: Ms. JACKSON LEE.
H. Res. 109: Ms. BONAMICI and Mr. KEATING.
H. Res. 190: Ms. HANABUSA.
H. Res. 345: Mr. RUSH and Mr. MEEKS.
H. Res. 359: Mr. BROOKS of Alabama.
H. Res. 411: Mr. HUELSKAMP and Mr. GIBBS.
H. Res. 418: Mr. MARINO.
H. Res. 422: Ms. MENG.
H. Res. 432: Mr. FOSTER.
H. Res. 442: Mr. CHABOT, Mr. GIBBS, Mr. CRAWFORD, Mrs. BLACK, Mr. WALDEN, Mr. RIGELL, Mr. STIVERS, and Mr. MCCAUL.
H. Res. 456: Mr. ROGERS of Alabama, Mr. TIERNEY, Mr. HOLT, Mr. REICHERT, and Mr. LOWENTHAL.
H. Res. 476: Mr. MURPHY of Pennsylvania, Mr. OLSON, and Mr. NUNNELEE.
H. Res. 479: Mr. RANGEL, Mr. POCAN, and Mr. HASTINGS of Florida.
H. Res. 480: Mrs. LOWEY, Mr. NADLER, Mrs. CAROLYN B. MALONEY of New York, and Ms. SLAUGHTER.
H. Res. 483: Mr. MCNERNEY and Mr. MURPHY of Florida.